FILED 1794
BOOK 111 PAGE 257
1974 NOV. 1 PM 4:50
MARY E. WELTY
MADISON CO. RECORDER
FEE $ 80.50

Form 490

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

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 "G"

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 21 day of August, 19 74.

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 26 day of August, 19 74.

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

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

For Stipulation & Agreement see Deed Rec 104 427

257

located in Madison County, Iowa

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

Group "G"

TO:

City of Winterset, c/o City Clerk, Winterset, Iowa

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

Part of the NW¼NE¼ of Sec. 36, T76N, R28W of the 5th P.M., in the City of Winterset, Madison County, Iowa.

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

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

A parcel of land located in the NW¼NE¼ of Sec. 36, T76N, R28W of the 5th P.M., in the City of Winterset, Madison County, Iowa, lying on the south side 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 SE Corner of Sec. 25, T76N, R28W, thence North 37.1 ft. along the east line of the SE¼ of said Sec. 25, thence N89°23'W 1237.2 ft. to Sta. 744+00, the Point of Beginning, thence continuing N89°23'W 300.0 ft. to Sta. 741+00.

Said parcel is described as follows: All that part of the East 194 Feet of the N½ of the NW¼NE¼ of said Sec. 36, lying northerly of a line beginning at a point 150 ft. normally distant southerly of centerline on the east line of said NW¼NE¼, thence to a point normally distant southerly from Sta. 742+60 on the existing southerly right of way line of an east-west Local Road running along the north line of the NE¼ of said Sec. 36, thence westerly along said existing southerly right of way line to the west line of the East 194 Feet of said NW¼NE¼.

Said parcel contains .01 acre, more or less, exclusive of the present established roads.

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

In connection with this condemnation proceeding it is specifically provided that all rights of direct access between Relocated Primary Road No. U.S. 169 and that portion of condemnees' remaining land abutting thereon are condemned.

The easement for highway purposes sought to be appropriated is in land described as follows:

A parcel of land located in said NW¼NE¼ lying on the west side of part of the following described centerline of Side Road, as shown on said Plat Exhibit "A".

The centerline of Side Road, designated by station points 100 feet apart, numbered consecutively from south to north, is described as follows: Beginning at Sta. 1743+21.3, a point on

Continued on next sheet

the centerline of Relocated Primary Road No. U.S. 169, located at Sta. 743+21.3, thence S0°19½'E 321.3 ft. to Sta. 1740+00.

Said parcel is described as follows: Bounded on the northeast by the southwesterly line of the land sought in fee simple title; on the east by the existing westerly right of way line of Side Road; on the west by a line beginning at a point normally distant westerly from Sta. 1740+25 on said existing westerly right of way line, thence to a point 40 ft. normally distant westerly from Sta. 1741+00, thence to a point 45 ft. normally distant westerly of centerline on the southwesterly line of the land sought in fee simple title; containing 0.06 acre, 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 80 ft. westerly of centerline (Side Road) from Sta. 1740+50 to Sta. 1740+95.

3. 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.

260

Form 137
11-71

IOWA STATE HIGHWAY COMMISSION

RIGHT OF WAY PLAT
EXHIBIT "A"

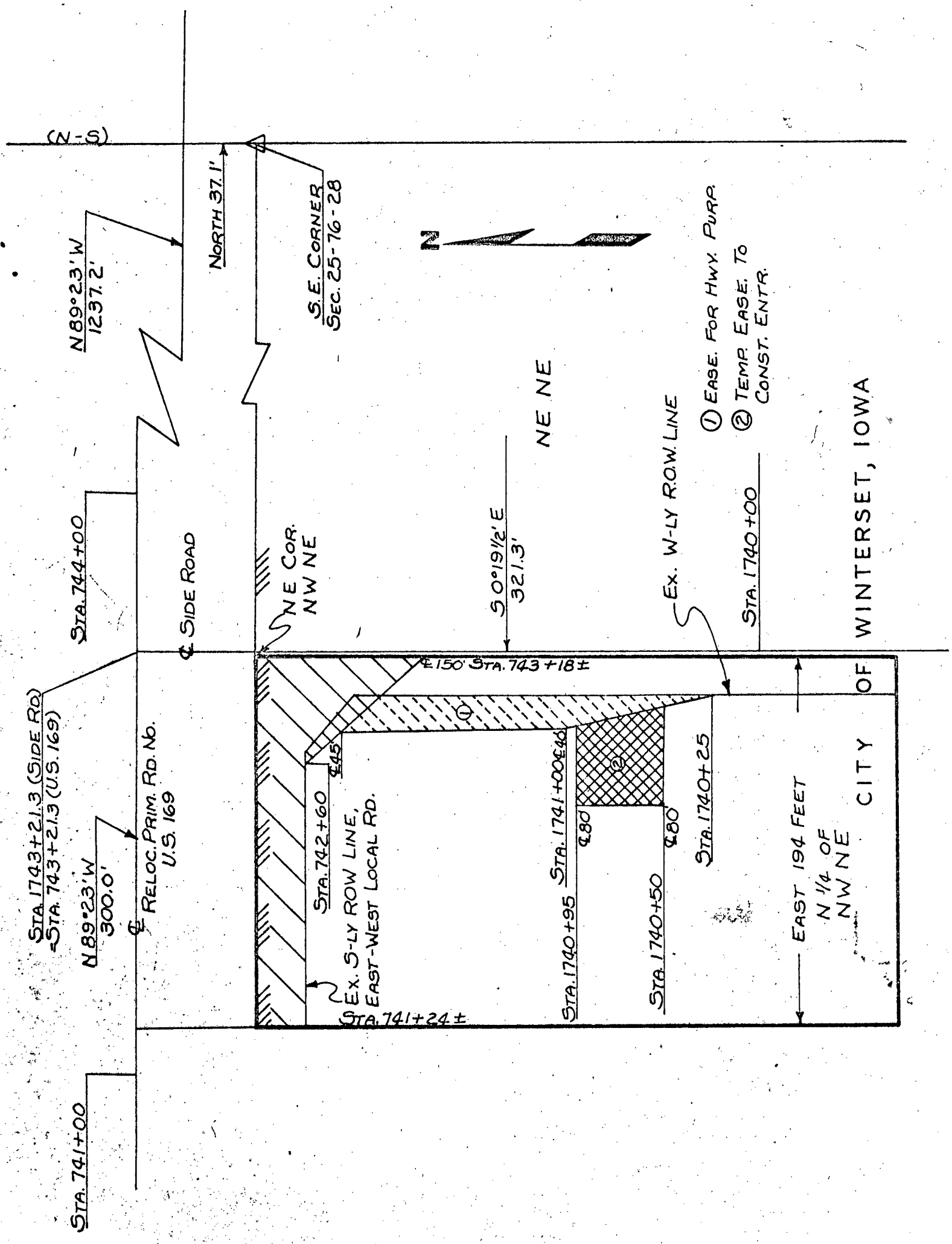
COUNTY MADISON STATE CONTROL NO.

PROJECT NO. FN-169-3(3)--21-61 PARCEL NO. 24B

SECTION 36 TOWNSHIP 76N RANGE 28W

ROW - FEE .01 AC, EASE 0.06 AC, EXCESS - FEE AC

ACQUIRED FROM CITY OF WINTERSET, IOWA



DATE DRAWN SCALE FILMED

3350-25

Madison County
Project No. FN-169-3(3)--21-61
Group "G"

PROPERTY SHEET

Property Owners	Tenants	Lienholders
PARCEL 24B City of Winterset c/o City Clerk Winterset, Iowa (owner)		

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 "G"

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

and

AMENDMENT TO NOTICE

TO: Rex Rouse, Sheriff of Madison County, Iowa.
and
TO:
City of Winterset, c/o City Clerk, 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 Paragraphs 2, 3, 4, 5, 6 and 8, and part of Paragraph 11 on Sheet 1 and part of Paragraph 11 continued on Sheet 2 and Paragraph 2 on Sheet 2 of the description of the property rights sought to be appropriated from the City of Winterset (Parcel 24B) to wit:

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

A parcel of land located in the NW¼NE¼ of Sec. 36, T76N, R28W of the 5th P.M., in the City of Winterset, Madison County, Iowa, lying on the south side 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 be 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 SE Corner of Sec. 25, T76N, R28W, thence North 37.1 ft. along the e east line of the SE¼ of said Sec. 25, thence N89°23'W 1237.2 ft. to Sta. 744+00, to the Point of Beginning, thence continuing N89°23'W 300.0 ft. to Sta. 741+00.

Said parcel is described as follows: All that part of the East 194 Feet of the N½ of the NW¼NE¼ of said Sec. 36, lying northerly of a line beginning at a point 150 ft. normally distant southerly of centerline on the east line of said NW¼NE¼, thence to a point normally distant southerly from Sta. 742+60 on the existing southerly right of way line of an east-west Local Road running along the north line of the NE¼ of said Sec. 36, thence westerly along said existing southerly right of way line to the west line of the East 194 Feet of said NW¼NE¼.

Said parcel contains .01 acre, more or less, exclusive of the present established roads.

The centerline of Side Road, designated by station points 100 feet apart, numbered consecutively from south to north, is described as follows: Beginning at Sta. 1743+21.3, a point on the centerline of Relocated Primary Road No. U.S. 169, located at Sta. 743+21.3, thence S0°19½'E 321.3 ft. to Sta. 1740+00.

Said parcel is described as follows: Bounded on the northeast by the southwesterly line of the land sought in fee simple title; on the east by the existing westerly right of way line of Side Road; on the west by a line beginning at a point normally distant westerly from Sta. 1740+25 on said existing westerly right of way line, thence to a point 40 ft. normally distant westerly from Sta. 1741+00, thence to a point 45 ft. normally distant westerly of centerline on the southwesterly line of the land sought in fee simple title; containing 0.06 acre, more or less.

In connection with this condemnation proceeding it is specifically provided that all rights of direct access between Relocated Primary Road No. U.S. 169 and that portion of condemnees' remaining land abutting thereon are condemned."

And substituting therefore the following, to wit:

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

All that part of the present existing right of way of the east-west Local Road located within the east 194 feet of the N½ of the NW¼NE¼ of Sec. 36, T79N, R28W of the 5th P.M., Madison County, Iowa lying north of a line 85 ft. normally distant southerly of and parallel to the centerline of Relocated Primary Road No. U.S. 169.

In connection with this condemnation proceeding it is specifically provided that 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.

The centerline of Side Road, designated by station points 100 feet apart, numbered consecutively from south to north, is described as follows: Commencing at the SE Corner of Sec. 25, T76N, R28W, thence north 37.1 ft., thence N89°23'W 1315.9 ft. to Sta. 1743+21.3, the Point of beginning, thence S0°19½'E 321.3 ft. to Sta. 1740+00.

Said parcel is described as follows: Bounded on the north by the present existing southerly right of way line of the east-west Local Road; on the east by the present westerly right of way line of the Side Road; on the west by a line beginning at a point normally distant westerly from Sta. 1740+25 on said present westerly right of way line; thence to a point 35 ft. normally distant westerly from Sta. 1741+00, thence to a point 35 ft. normally distant westerly of centerline on the present existing southerly right of way line of said east-west Local Road containing 0.05 acre, more or less.

And further amending by striking and voiding "Exhibit "A" 24B Plat of Land Sought to be Appropriated Owners: - City of Winterset," and substituting therefore "Exhibit "B" 24B Plat of Land Sought to be Appropriated Owners: - City of Winterset," copy of which is attached hereto and by this reference made a part hereof.

Dated at Ames, this 6 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
Special Assistant Attorney
General and Counsel to Iowa
State Highway Commission

Filed in my office at Winterset, Iowa, this 23 day of Sept., 1974.

Rex Rouse, Sheriff
Madison County, Iowa

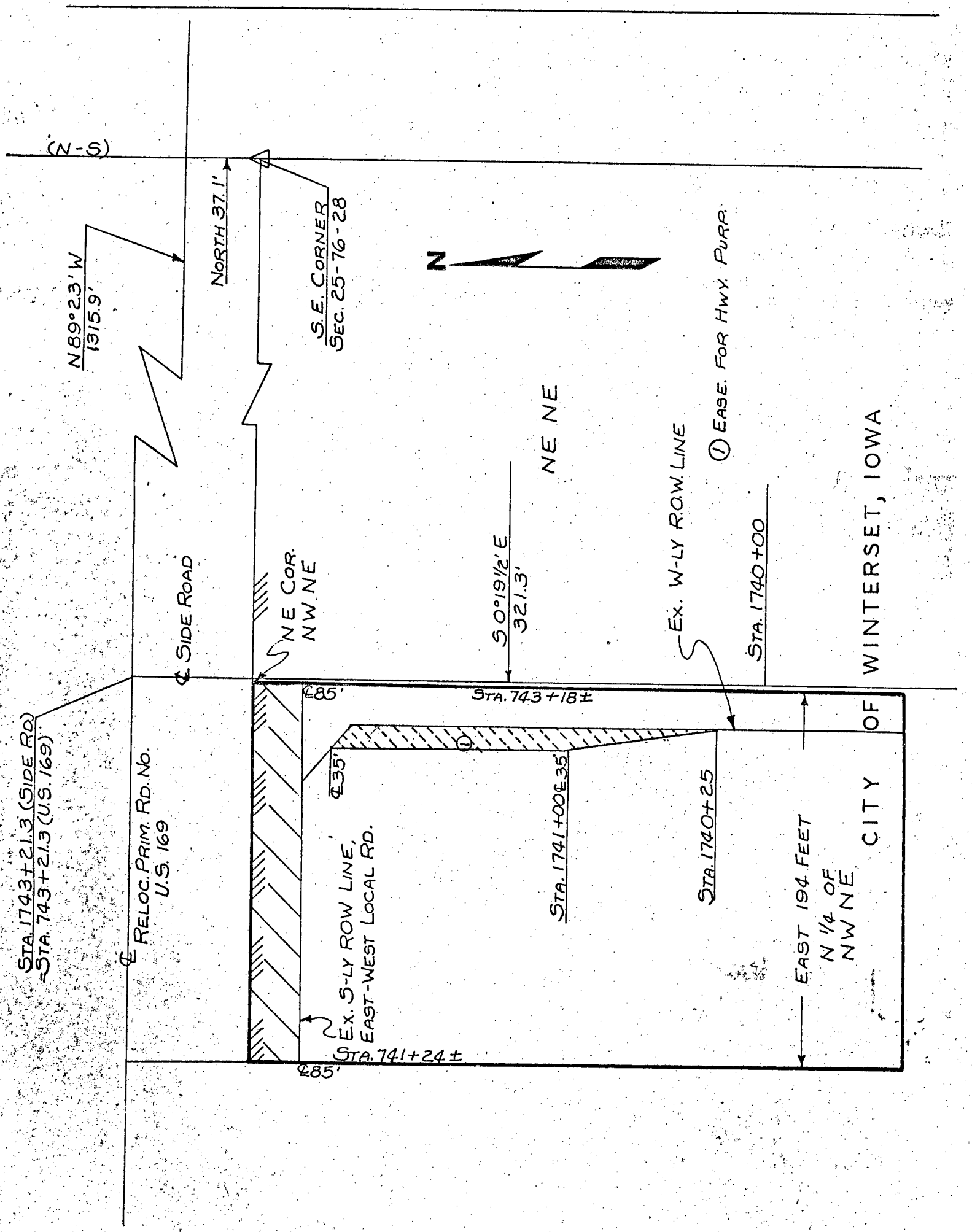
Form 137
11-71

264

IOWA STATE HIGHWAY COMMISSION

RIGHT OF WAY PLAT
EXHIBIT "B"

COUNTY MADISON STATE CONTROL NO.
PROJECT NO. FN-169-3(3)--21-61 PARCEL NO. 24 B
SECTION 36 TOWNSHIP 76 N RANGE 28W
ROW - FEE AC, EASE 0.05 AC, EXCESS - FEE AC
ACQUIRED FROM CITY OF WINTERSET, IOWA



DATE DRAWN SCALE FILMED

3360-25

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

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 "G"

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
JMR
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

TO: Rex Rouse, Sheriff of Madison County, Iowa.
and
TO:
City of Winterset, c/o City Clerk, 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 Paragraphs 2, 3, 4, 5, 6 and 8, and part of Paragraph 11 on Sheet 1 and part of Paragraph 11 continued on Sheet 2 and Paragraph 2 on Sheet 2 of the description of the property rights sought to be appropriated from the City of Winterset (Parcel 24B) to wit:

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

A parcel of land located in the NW¼NE¼ of Sec. 36, T76N, R28W of the 5th P.M., in the City of Winterset, Madison County, Iowa, lying on the south side 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 be 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 SE Corner of Sec. 25, T76N, R28W, thence North 37.1 ft. along the east line of the SE¼ of said Sec. 25, thence N89°23'W 1237.2 ft. to Sta. 744+00, to the Point of Beginning, thence continuing N89°23'W 300.0 ft. to Sta. 741+00.

Said parcel is described as follows: All that part of the East 194 Feet of the N½ of the NW¼NE¼ of said Sec. 36, lying northerly of a line beginning at a point 150 ft. normally distant southerly of centerline on the east line of said NW¼NE¼, thence to a point normally distant southerly from Sta. 742+60 on the existing southerly right of way line of an east-west Local Road running along the north line of the NE¼ of said Sec. 36, thence westerly along said existing southerly right of way line to the west line of the East 194 Feet of said NW¼NE¼.

Said parcel contains .01 acre, more or less, exclusive of the present established roads.

The centerline of Side Road, designated by station points 100 feet apart, numbered consecutively from south to north, is described as follows: Beginning at Sta. 1743+21.3, a point on the centerline of Relocated Primary Road No. U.S. 169, located at Sta. 743+21.3, thence S0°19½'E 321.3 ft. to Sta. 1740+00.

Said parcel is described as follows: Bounded on the northeast by the southwesterly line of the land sought in fee simple title; on the east by the existing westerly right of way line of Side Road; on the west by a line beginning at a point normally distant westerly from Sta. 1740+25 on said existing westerly right of way line, thence to a point 40 ft. normally distant westerly from Sta. 1741+00, thence to a point 45 ft. normally distant westerly of centerline on the southwesterly line of the land sought in fee simple title; containing 0.06 acre, more or less.

In connection with this condemnation proceeding it is specifically provided that all rights of direct access between Relocated Primary Road No. U.S. 169 and that portion of condemnees' remaining land abutting thereon are condemned."

And substituting therefore the following, to wit:

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

All that part of the present existing right of way of the east-west Local Road located within the east 194 feet of the N½ of the NW¼NE¼ of Sec. 36, T79N, R28W of the 5th P.M., Madison County, Iowa lying north of a line 85 ft. normally distant southerly of and parallel to the centerline of Relocated Primary Road No. U.S. 169.

In connection with this condemnation proceeding it is specifically provided that 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. 266

The centerline of Side Road, designated by station points 100 feet apart, numbered consecutively from south to north, is described as follows: Commencing at the SE Corner of Sec. 25, T76N, R28W, thence north 37.1 ft., thence N89°23'W 1315.9 ft. to Sta. 1743+21.3, the Point of beginning, thence S0°19½'E 321.3 ft. to Sta. 1740+00.

Said parcel is described as follows: Bounded on the north by the present existing southerly right of way line of the east-west Local Road; on the east by the present westerly right of way line of the Side Road; on the west by a line beginning at a point normally distant westerly from Sta. 1740+25 on said present westerly right of way line; thence to a point 35 ft. normally distant westerly from Sta. 1741+00, thence to a point 35 ft. normally distant westerly of centerline on the present existing southerly right of way line of said east-west Local Road containing 0.05 acre, more or less.

And further amending by striking and voiding "Exhibit "A" 24B Plat of Land Sought to be Appropriated Owners: - City of Winterset," and substituting therefore "Exhibit "B" 24B Plat of Land Sought to be Appropriated Owners: - City of Winterset," copy of which is attached hereto and by this reference made a part hereof.

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

APPROVED:

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

GORDON A. SWEITZER
Right of Way Director

By
ASHER E. SCHROEDER
Special Assistant Attorney
General and Counsel to Iowa
State Highway Commission

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

Rex Rouse, Sheriff
Madison County, Iowa

Form 137
11-71

IOWA STATE HIGHWAY COMMISSION

RIGHT OF WAY PLAT
EXHIBIT "B"

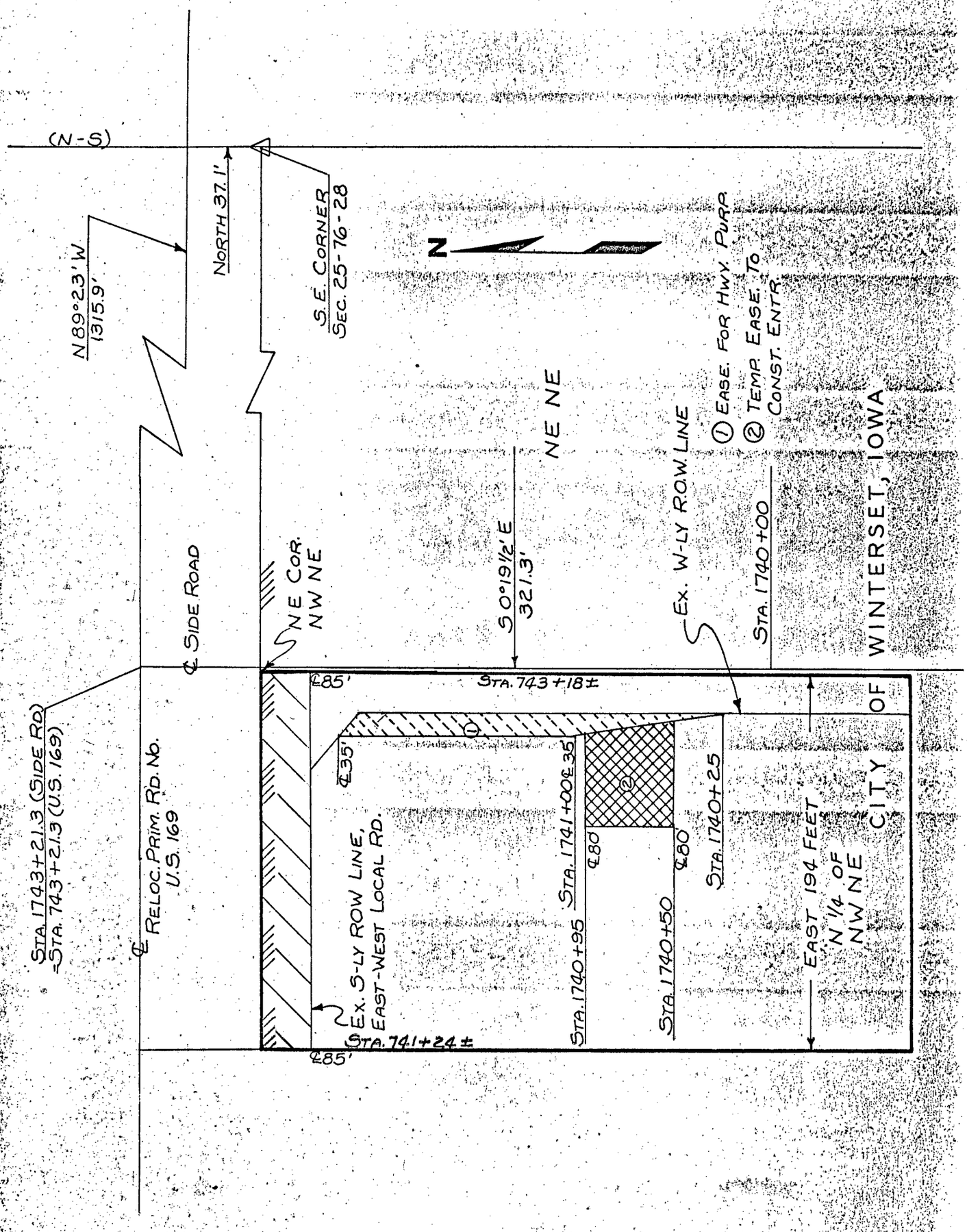
COUNTY MADISON STATE CONTROL NO.

PROJECT NO. FN-169-3(3)--21-61 PARCEL NO. 24B

SECTION 36 TOWNSHIP 76N RANGE 28W

ROW - FEE AC, EASE 0.05 AC, EXCESS - FEE AC

ACQUIRED FROM CITY OF WINTERSET, IOWA



DATE DRAWN SCALE FILMED

3360-25

RECEIVED
9-11-74
930 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

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 "G"

STIPULATION

TO:

City of Winterset, c/o City Clerk, Winterset, Iowa

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

It is not the intent, and the State of Iowa does not claim to acquire by virtue of said proceedings the temporary easement right, for the specific purpose of constructing an entrance described in Paragraph numbered 2 on Sheet 2 of the description of property rights sought to be appropriated from City of Winterset, Iowa (Parcel 24B) to wit:

"2. The State of Iowa shall have a temporary easement right, for the specific purpose of constructing an entrance, to a maximum distance of 80 ft. westerly of centerline (Side Road) from Sta. 1740+50 to Sta. 1740+95."

Dated at Ames, Iowa, this 9th 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 General Counsel to the Department
of Transportation, Ames, Iowa

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

Rex Rouse
Rex Rouse, Sheriff of
Madison County, Iowa

Madison County Project No. FN-169-3(3)--21-61
City of Winterset, Iowa (Parcel 24B)

Form 137
1-1-19

IOWA STATE HIGHWAY COMMISSION

RIGHT OF WAY PLAT
EXHIBIT "B"

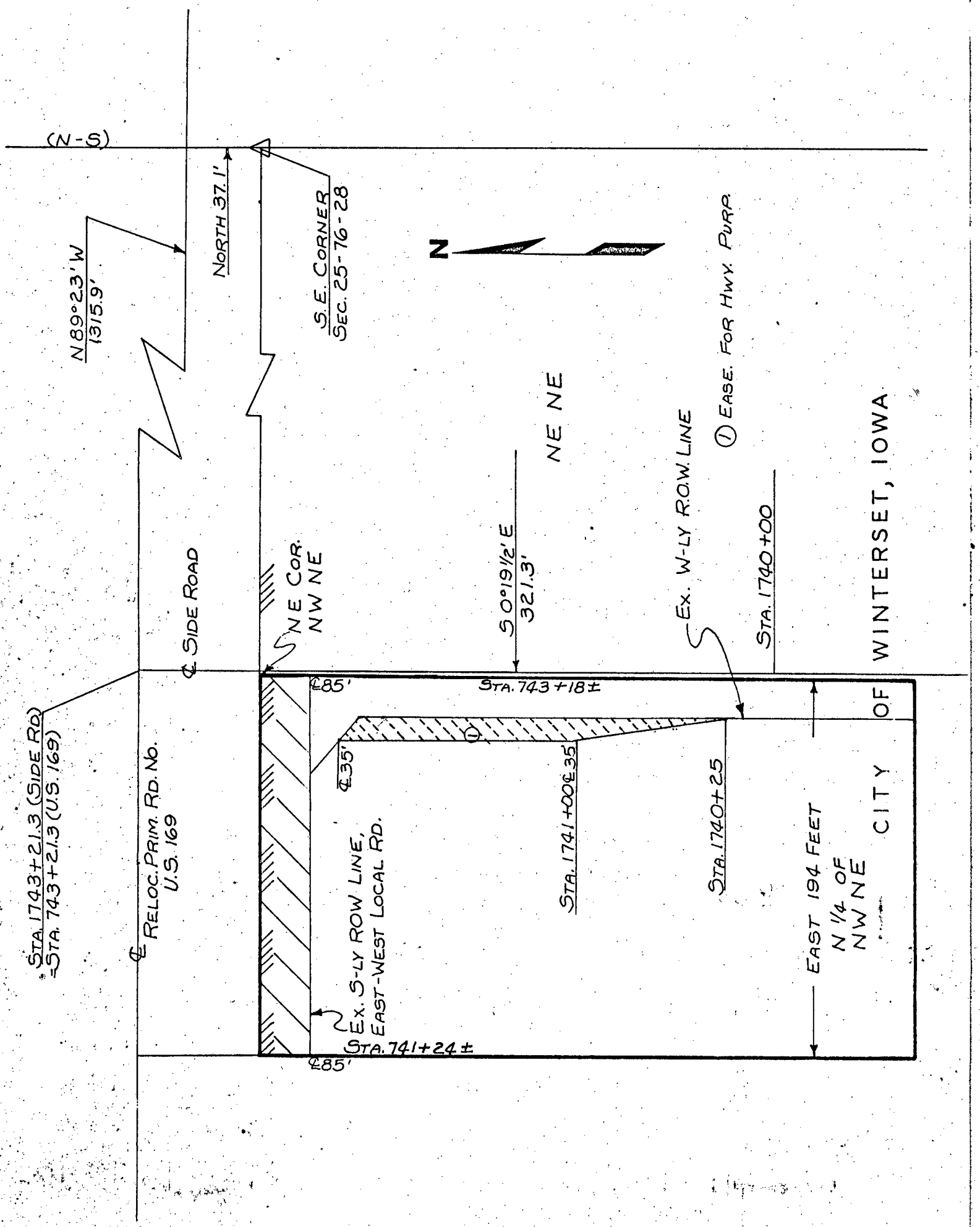
COUNTY MADISON STATE CONTROL NO. ____

PROJECT NO. FN-169-3(3)--21-61 PARCEL NO. 24 B

SECTION 36 TOWNSHIP 76 N RANGE 28W

ROW - FEE ____ AC, EASE 0.05 AC, EXCESS - FEE ____ AC

ACQUIRED FROM CITY OF WINTERSET, IOWA



DATE DRAWN ____ SCALE ____ FILMED ____

3360-25

269

ikm: 9/24/74

270

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 "G"

CONTINUANCE

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

TO: Parcel 24B

City of Winterset, c/o City Clerk, Winterset, Iowa

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

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

The above-entitled condemnation proceedings against all properties and property owners are continued to September 26, 1974.

Dated at Ames, Iowa, this 24th day of September, 1974.

IOWA STATE HIGHWAY COMMISSION

RICHARD C. TURNER
Attorney General of Iowa

Asher E. Schroeder

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

Filed in my office at Winterset, Iowa, this 25 day of Sept, 1974.

Rep Rouse

SHERIFF OF MADISON COUNTY, IOWA

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

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

located in Madison County, Iowa

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

Group "G"

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
Gene Vierling	Winterset	Licensed Real Estate Salesman or Broker
Merrill Creger	Truro ~~Winterset~~	Licensed Real Estate Salesman or Broker
Ernest Stowell	Winterset	Knowledgeable of Property Values by Virtue of Occupation
Irvin Martens	Winterset	Knowledgeable of Property Values by Virtue of Occupation
James Breeding	Winterset	Other than Agricultural
Earl Crawford	Winterset	Other than Agricultural

I further designate, select, and appoint, the above named Ernest Stowell to act as Chairman of said commission.

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

Dated at Des Moines, Iowa, this 26 day of August, 1974

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

Filed in my office at Winterset, Iowa, this 30 day of Aug, 1974.

Rex Rouse
Sheriff of Madison County, Iowa

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

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

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

Group "G"

RECEIVED
9-16-74
910
MADISON
SP
WINTERSET, IOWA

ORDER APPOINTING SUBSTITUTE COMPENSATION COMMISSIONER

NOW ON THIS 12th day of September, 19 74, an Order Appointing Substitute Compensation Commissioner having been presented to me due to the inability of Irvin Martens, and his alternate John Foster, both having qualifications as being Knowledgeable of Property Values, to serve as a compensation commissioner in the condemnation referenced above, it is ordered that the vacancy shall be filled by the following commissioner:

Note: Kenneth Ritter and Wayne Newton have also declined.

QUALIFICATIONS	NAME	ADDRESS
Knowledgeable	Gail Leeper	Winterset - Commissioner
"	Ernest Stowell	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 September, 1974.

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

Filed in my office at Winterset, Iowa, this 16th day of September, 19 74.

Rex Rouse
Sheriff of Madison County, Iowa

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

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

Located in Madison County, Iowa

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

Group "G"

ORDER CONFIRMING APPOINTMENT OF SUBSTITUTE COMPENSATION COMMISSIONER

NOW ON THIS 27 day of September 1974, an Order Confirming Appointment of Substitute Compensation Commissioner having been presented to me due to the inability of Ernest Stowell and his alternate John Foster both having qualifications as being a Knowledgeable of Property Values to serve as a compensation commissioner in the condemnation referenced above, this Order confirms that it was ordered on the day of that the vacancy be filled by the following commissioner:

QUALIFICATIONS	NAME	ADDRESS
Knowledgeable of Property Values by Virtue of Occupation.	Irvin Martens	Winterset.

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

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

Rex Rouse
Sheriff of Madison County, Iowa

274

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

Form 493

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

SUMMONS TO COMMISSIONERS

located in Madison County, Iowa

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

Group "G"

TO: Irvin Martens, 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 the5th 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 Irvin Martens 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 26th 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 Winterset , Iowa, this 26 day of Sept , 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.

Irvin R. Martens

Filed in my office at Winterset , Iowa, this 26 day of Sept , 1974.

Rex Rouse

Sheriff of County, Iowa

REFUSAL TO SERVE

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

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Form 493

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

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

located in Madison County, Iowa

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

Group "G"

RECEIVED
9-5-74
11:0
MADISON
SHERIFF
WINTERSET, IOWA

SUMMONS TO COMMISSIONERS

TO: **Earl Crawford, 610 W. Washington, 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 **Ernest Stowell** has been designated as Chairman of the commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the office of the sheriff at Winterset, Madison County, State of Iowa, on 25th day of , 19 , at 9:30 o'clock a.m. ( ) for the purpose of qualifying as such commission, and proceed to view said premises and make an award of damages as by law provided.

Rex Rouse
Rex Rouse
Sheriff of Madison County, Iowa

ACCEPTANCE OF SERVICE

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at , Iowa, this 5th day of September, 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.

Earl Crawford

Filed in my office at Winterset, Iowa, this 6 day of Sept., 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

RECEIVED
9-16-74
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

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

SUMMONS TO COMMISSIONERS

located in Madison County, Iowa

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

Group "G"

TO: Mr. Gail Leeper, c/o Union State Bank, Winterset, Iowa

The Iowa State Highway Commission has filed with the Chief Judge of the 5th Judicial District including Madison County, Iowa, an Application for the selection of a compensation commission to assess the damages which owners, lienholders, encumbrancers, and other persons interested in the land from which certain rights are sought to be appropriated by these proceedings will sustain by reason of such appropriation of the rights as described in the Application for the improvement and/or the maintenance of primary roads and/or for highway drainage in Madison County, and

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the 5th Judicial District for Madison County, Iowa, as a member of such compensation commission, and such selection and appointment has been duly filed in my office, and further, that Ernest Stowell has been designated as Chairman of the commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the office of the sheriff at Madison County, State of Iowa, on 25th 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.

Gail Leeper

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

Form 493

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

SUMMONS TO COMMISSIONERS

located in Madison County, Iowa

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

Group "G"

TO: **Gene Vierling, 115 W. Buchanan, 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 **Ernest Stowell** has been designated as Chairman of the commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the office of the sheriff at Winterset, Madison County, State of Iowa, on **25th** 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 Winterset, Iowa, this 31 day of September, 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.

Gene Vierling

Filed in my office at Winterset, Iowa, this 1 day of Oct, 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 493 278

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 "G"

SUMMONS TO COMMISSIONERS

TO: Merrill Creger, Truro, IA 50257

The Iowa State Highway Commission has filed with the Chief Judge of the 5th Judicial District including Madison County, Iowa, an Application for the selection of a compensation commission to assess the damages which owners, lienholders, encumbrancers, and other persons interested in the land from which certain rights are sought to be appropriated by these proceedings will sustain by reason of such appropriation of the rights as described in the Application for the improvement and/or the maintenance of primary roads and/or for highway drainage in Madison County, and

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the 5th Judicial District for Madison County, Iowa, as a member of such compensation commission, and such selection and appointment has been duly filed in my office, and further, that Ernest Stowell has been designated as Chairman of the commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the office of the sheriff at Winterset, Madison County, State of Iowa, on 25th 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 Winterset, Iowa, this 31 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.

Merrill Creger

Filed in my office at Winterset, Iowa, this 3rd day of Sept, 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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In the Matter of the Condemnation of Certain Rights in Land by the Iowa State Highway Commission for the Use and Benefit of the State of Iowa In the Improvement of

Form 493

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

SUMMONS TO COMMISSIONERS

located in Madison County, Iowa

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

Group "G"

TO: James Breeding, 618 E. ~~Jefferson~~ Washington, 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 Ernest Stowell has been designated as Chairman of the commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the office of the sheriff at Winterset, Madison County, State of Iowa, on 25th 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 Winterset, Iowa, this 31st 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.

James Breeding

Filed in my office at Winterset, Iowa, this 4 day of Sept., 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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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

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

NOTICE

Winterset

located in Madison County, Iowa

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

Group "G"

TO:

City of Winterset, c/o City Clerk, Winterset, Iowa

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

Part of the NW¼NE¼ of Sec. 36, T76N, R28W of the 5th P.M., in the City of Winterset, Madison County, Iowa.

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

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

A parcel of land located in the NW¼NE¼ of Sec. 36, T76N, R28W of the 5th P.M., in the City of Winterset, Madison County, Iowa, lying on the south side 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 SE Corner of Sec. 25, T76N, R28W, thence North 37.1 ft. along the east line of the SE¼ of said Sec. 25, thence N89°23'W 1237.2 ft. to Sta. 744+00, the Point of Beginning, thence continuing N89°23'W 300.0 ft. to Sta. 741+00.

Said parcel is described as follows: All that part of the East 194 Feet of the N½ of the NW¼NE¼ of said Sec. 36, lying northerly of a line beginning at a point 150 ft. normally distant southerly of centerline on the east line of said NW¼NE¼, thence to a point normally distant southerly from Sta. 742+60 on the existing southerly right of way line of an east-west Local Road running along the north line of the NE¼ of said Sec. 36, thence westerly along said existing southerly right of way line to the west line of the East 194 Feet of said NW¼NE¼.

Said parcel contains .01 acre, more or less, exclusive of the present established roads.

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

In connection with this condemnation proceeding it is specifically provided that all rights of direct access between Relocated Primary Road No. U.S. 169 and that portion of condemnees' remaining land abutting thereon are condemned.

The easement for highway purposes sought to be appropriated is in land described as follows:

A parcel of land located in said NW¼NE¼ lying on the west side of part of the following described centerline of Side Road, as shown on said Plat Exhibit "A".

The centerline of Side Road, designated by station points 100 feet apart, numbered consecutively from south to north, is described as follows: Beginning at Sta. 1743+21.3, a point on

the centerline of Relocated Primary Road No. U.S. 169, located at Sta. 743+21.3, thence S0°19½'E 321.3 ft. to Sta. 1740+00.

Said parcel is described as follows: Bounded on the northeast by the southwesterly line of the land sought in fee simple title; on the east by the existing westerly right of way line of Side Road; on the west by a line beginning at a point normally distant westerly from Sta. 1740+25 on said existing westerly right of way line, thence to a point 40 ft. normally distant westerly from Sta. 1741+00, thence to a point 45 ft. normally distant westerly of centerline on the southwesterly line of the land sought in fee simple title; containing 0.06 acre, 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 80 ft. westerly of centerline (Side Road) from Sta. 1740+50 to Sta. 1740+95.

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

Form 495, Sheet

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

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

You are further notified that said commission will on the 25th 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

BBB

RETURN OF SERVICE — GOVERNMENTAL BODY

STATE OF IOWA, Madison County, ss.

The within Notice came into my hands on the 30th day of August, 1974 and on the 30th day of August, 1974, I served the same upon the City of Winterset, Iowa by offering to read the same to Dale Simmons, he being the City Clerk of said Governmental Body, which he waived, and by giving him a true copy thereof, all done in Center Township, Madison County, Iowa.

FEES

Service - - - $ .75
Copies - - - $
Mileage - - - $ 1.50
Total - - - $ 2.25

Rex Rouse
Rex Rouse
of Madison County
By
Deputy.

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

Form 137
11-71

IOWA STATE HIGHWAY COMMISSION

RIGHT OF WAY PLAT
EXHIBIT "A"

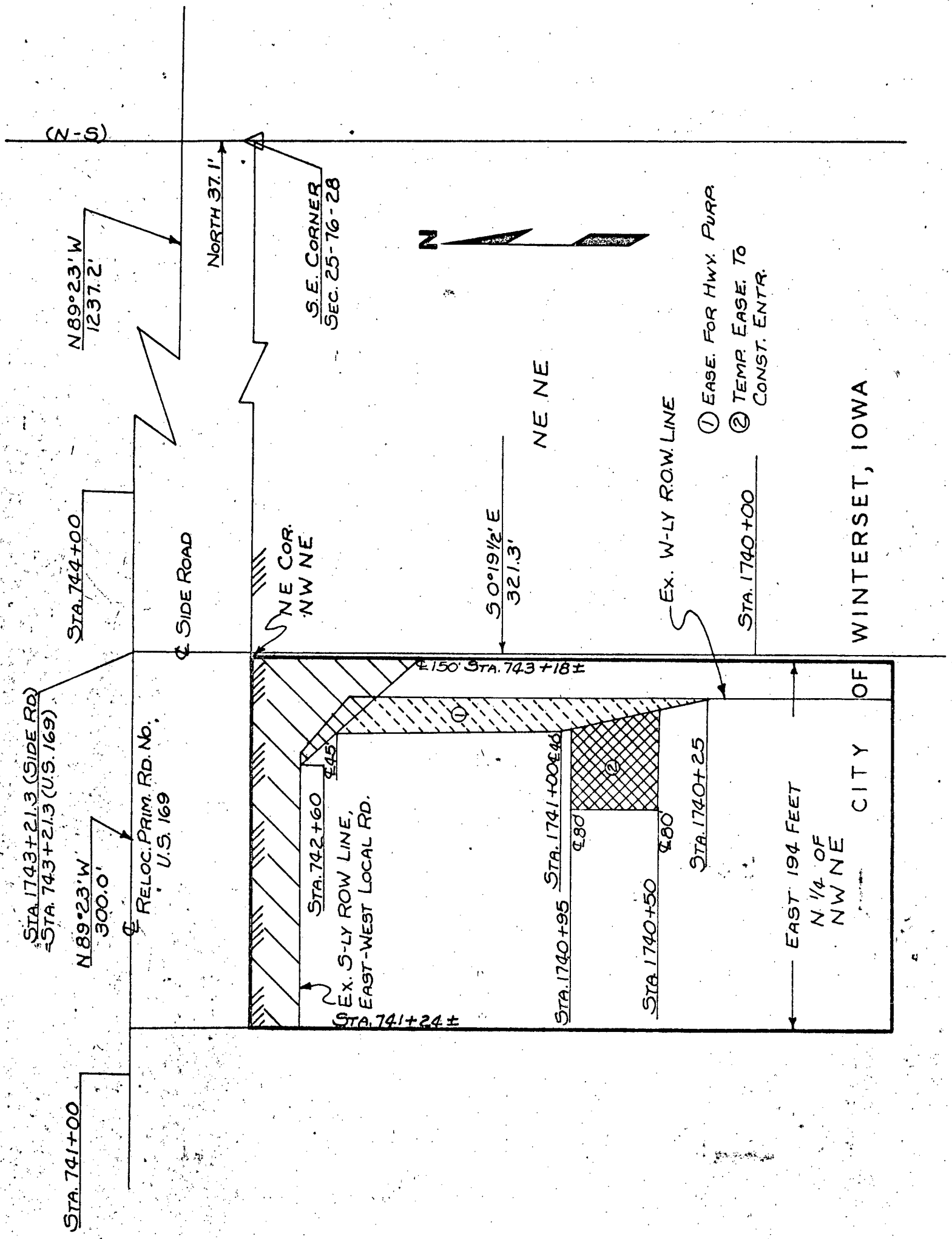
COUNTY MADISON STATE CONTROL NO. _____

PROJECT NO. FN-169-3(3)--21-61 PARCEL NO. 24B

SECTION 36 TOWNSHIP 76 N RANGE 28W

ROW - FEE .01 AC, EASE 0.06 AC, EXCESS - FEE _____ AC

ACQUIRED FROM CITY OF WINTERSET, IOWA



DATE DRAWN _____ SCALE _____ FILMED _____

3350-25

Form 494

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

OATH OF COMMISSIONERS

located in Madison County, Iowa

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

Group "G"

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.

Merrill Sugg
Name:
Licensed Real Estate Salesman or Broker

Glen Vanderburg
Name:
Licensed Real Estate Salesman or Broker

Earl Jeeper
Name:
Knowledgeable of Property Values by Virtue of Occupation

Lucian K. Maclucas
Name:
Knowledgeable of Property Values by Virtue of Occupation

Carl E. Crawford
Name:
(As appropriate to type of property involved) Other than Agricultural

James Breeding
Name:
(As appropriate to type of property involved) Other than Agricultural

SEAL OF IOWA DISTRICT COURT MADISON COUNTY

Subscribed and sworn to before me this 26 day of September, 1974.

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

Filed in my office at Winterset, Iowa, this 26 day of Sept., 1974.

Rex Rouse
Rex Rouse
Sheriff of Madison County, Iowa

STATE OF IOWA
MADISON COUNTY
I hereby certify that I have this 26th day of September read aloud the "WRITTEN INSTRUCTIONS FOR MEMBERS OF THE COMPENSATION COMMISSION" submitted to me for this purpose by the Chief Justice of the Iowa Supreme Court. (Senate File 1171 - 63 re GA 2 nd Session)

Rex Rouse Sheriff
Rex Rouse

Form 130
6-70

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

AFFIDAVIT OF FINAL OFFER

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

Winterset

located in Madison County, Iowa

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

Group "G"

On this the 26th 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) $ 800.00

PARCEL 24B -

City of Winterset, Iowa

IOWA STATE HIGHWAY COMMISSION

BY: Gordon A. Sweitzer
Gordon A. Sweitzer
Right of Way Director by Robert L. Hurlbut
condemnation Agent

Subscribed and sworn to before me this 26th day of September 1974.

Notarial Seal Iowa

Angela McKee
Notary Public in and for ~~Story~~ County, Iowa

Filed in my office at Winterset, Iowa, this 26th day of September, 1974.

Reg Rouse
Sheriff of Madison County, Iowa

Form 496
17-71

286

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 "G"

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 24B - City Clerk of Winterset	$	$	$ 1200.00	$ None
	$	$	$	$
	$	$	$	$
	$	$	$	$
	$	$	$	$
	$	$	$	$
This award does not consider any damage to the east-west fence along the north ~~side of this property and also~~ is made with the understanding that the condemnee will have the right to salvage ~~the north~~ south fence and the gates along the east side of this property.	$	$	$	$
	$	$	$	$
	$	$	$	$

Respectfully reported at Winterset, Iowa, this 26 day of September, 1974

Laura K. Martens
Hal Teeter
Maxine Coogan
Clark E. Brandt
Gene Wissing
Jo Breding

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 26th 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

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 "G"

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 26th 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.

Rep Rouse

SHERIFF OF MADISON COUNTY, IOWA

Form 486
7-71

288

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 "G"

Parcel No. 24B

NOTICE OF APPRAISEMENT OF DAMAGES AND TIME FOR APPEAL

TO:

	Land & Improvements	Consequential Damages	Total Award	Condemnees' Atty. Fees and Costs
City of Winterset, Iowa	$	$	$ 4,200.00	$
	$	$	$	$
	$	$	$	$
	$	$	$	$
	$	$	$	$
	$	$	$	$

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: 26th Day of Sept, 1974

Rep 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 "G"

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 26th day of September, 1970, and thereupon proceeded to view the premises and said commissioners did thereafter on the 26th day of September, 1970, file their report in my office awarding damages as follows:

NAME	AMOUNT
Parcel 24 B - City Clerk of Winterset	$ 1200.00
TOTAL DAMAGES AWARDED	$ 1200.00

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
830-74	City of Winterset	75				.75
			10			1.50
	N Copy					1.50
	Postage					3.40

Sheriff, Summoning and attending commissioners $7.50

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

$ 16.15

Irvin W. Martens of Winterset, Iowa

one	day service	$ 50.00
22	miles at ~~.10~~ .15	3.30
one	meals	2.00
Lodging	Hotel	
	Total	$ 55.30

Gene Vierling of Winterset, Iowa

one	day service	$ 50.00
10	miles at ~~.10~~ .15	2.50
one	meals	2.00
Lodging	Hotel	
	Total	$ 54.50

Merrill Creger of Winterset, Iowa

one	day service	$ 50.00
36	miles at ~~.10~~ .15	5.40
one	meals	1.60
Lodging	Hotel	
	Total	$ 57.00

Gail Leeper of Winterset, Iowa

one	day service	$ 50.00
10	miles at ~~.10~~ .15	1.50
one	meals	2.00
Lodging	Hotel	
	Total	$ 53.50

James ~~Max~~ Breeding of Winterset, Iowa

one	day service	$ 50.00
10	miles at ~~.10~~ .15	1.50
one	meals	2.00
Lodging	Hotel	
	Total	$ 53.50

Earl E. Crawford of Winterset, Iowa

one	day service	$ 50.00
10	miles at ~~.10~~ .15	1.50
one	meals	2.00
Lodging	Hotel	
	Total	$ 53.50

TOTAL "COMMISSIONERS AND SHERIFF'S" EXPENSES. $343.45

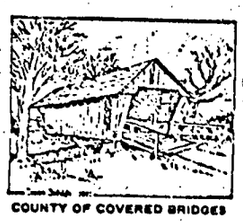
Given under my hand this 26th day of September, 1974.

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. and contains the original copies of this proceeding.

Dated this 26th day of September, 1974.

Rex Rouse
Sheriff of Madison County



OFFICE OF

Sheriff of Madison County

REX ROUSE, SHERIFF
EDWARD POWELL, DEPUTY
WINTERSET, IOWA 50273

TELEPHONE
DAY OR NIGHT
462 - 3575
AREA CODE 515

Oct. 16, 1974

City of Winterset
Winterset, Ia. 50273

This is to advise you that there has been deposited with me Check # 03270958 in the amount of $1,200.00. This check represents the amount of the Condemnation Conpensation Commission award made on Sept. 26, 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

Award accepted (date) _____

By _____

Appealed 10-17-74 RRR
To Clerk 10-18-74 RRR

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 "G"

FILED
4:50 P.M.
OCT 22 1974
MARGARET WHEELER
CLERK OF DISTRICT COURT
MADISON COUNTY, IOWA

CITY OF WINTERSET, IOWA
Plaintiff

VS.

IOWA STATE HIGHWAY COMMISSION, FOR THE USE AND BENEFIT OF THE STATE OF IOWA,
Defendant

Sheriff's filing of Record after receiving Notice of Appeal

(Parcel 24 B)

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

This is to advise you that I have this 17th day of October, 1974, been served with a Notice of Appeal by the above named plaintiffs, These proceedings were held on the 26th Day of September, 1974.

I hereby certify that the attached documents are the ORIGINAL/TRUE COPIES of the Proceedings which were held on the 26th day of September, 1974 and I am in receipt of $1200.00 which represents the Jury Award in this matter.

Rex Rouse, Sheriff

FILED
OCT 17 '74
1974 OCT 22 PM 1:45
CLERK OF DISTRICT COURT
MADISON COUNTY, IOWA

IN THE DISTRICT COURT OF THE STATE OF IOWA

IN AND FOR MADISON COUNTY

CITY OF WINTERSET, IOWA,
Plaintiff

VS.

IOWA STATE HIGHWAY COMMISSION, FOR THE USE AND BENEFIT OF THE STATE OF IOWA,
Defendant

#21276

NOTICE OF APPEAL TO THE DISTRICT COURT OF THE STATE OF IOWA IN AND FOR MADISON COUNTY, IOWA.

To. . . Iowa State Highway Commission for the use and benefit of the state of Iowa; and Rex Rouse, sheriff of Madison County, Iowa.

You, and each of you, are hereby notified that the above named Plaintiff hereby appeals to the District Court aforesaid from the award made to the Plaintiff by the Condemnation Commission on the 26th day of September, 1974, for damages as the 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 sought to be appropriated is in land described as follows:

A parcel of land located in the NW¼NE¼ of Sec. 36, T76N, R28W, of the 5th P.M., in the City of Winterset, Madison County, Iowa, lying on the south side 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 SE Corner of Sec. 25, T76N, R28W, thence North 37.1 ft. along the east line of the SE¼ of said Sec. 25, thence N89°23'W1237.2 ft. to Sta. 744+00, the Point of Beginning, thence continuing N89°23'W 300.0 ft. to Sta. 741+00.

Said parcel is described as follows: All that part of the East 194 Feet of the N½ of the NW¼NE¼ of said Sec. 36, lying northerly of a line beginning at a point 150 ft. normally distant southerly of centerline on the east line of said NW¼NE¼, thence to a point normally distant southerly from Sta. 742+60 on the existing southerly right of way line of an east-west local road running along the north line of the NE¼ of said Sec. 36, thence westerly along said existing southerly right of way line to the west line of the East 194 Feet of said NW¼NE¼.

Said parcel contains .01 acre, more or less, exclusive of the present established roads.

The centerline of Side Road, designated by station points 100 feet apart numbered consecutively from south to north, is described as follows: Beginning at Sta. 1743+21.3, a point on the centerline of Relocated Primary Road No. U.S. 169, located at Sta. 743+21.3, thence S 0°19½'E 321.3 ft. to Sta. 1740+00.

Said parcel is described as follows: Bounded on the northeast by the southwesterly line of the land sought in fee simple title; on the east by the existing westerly right of way line of Side Road; on the west by a line beginning at a point normally distant westerly from Sta. 1740+25 on said existing westerly right of way line, thence to a point 40 ft. normally distant westerly from Sta. 1741+00, thence to a point 45 ft. normally distant westerly of centerline on the southwesterly line of the land sought in fee simple title; containing 0.06 acre, more or less.

In connection with this condemnation proceeding it is specifically provided that all rights of direct access between Relocated Primary Road No. U.S. 169 and that portion of condemnees' remaining land abutting thereon are condemned."

And substituting therefore the following, to-wit:

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

All that part of the present existing right of way of the east-west Local Road located within the east 194 feet of the N½ of the NW¼NE¼ of Sec. 36, T79N, R28W of the 5th P.M., Madison County, Iowa lying north of a line 85 ft. normally distant southerly of and parallel to the centerline of Relocated Primary Road No. U.S. 169.

In connection with this condemnation proceeding it is specifically provided that 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.

The centerline of Side Road, designated by station points 100 feet apart, numbered consecutively from south to north, is described as follows: Commencing at the SE Corner of Sec. 25, T76N, R28W, thence north 37.1 ft., thence N89°23'W 1315.9 ft. to Sta. 1743+21.3, the Point of Beginning, thence S 0°19½'E 321.3 ft. to Sta. 1740+00.

Said parcel is described as follows: Bounded on the north by the present existing southerly right of way line of the east-west Local Road; on the east by the present westerly right of way line of the Side Road; on the west by a line beginning at a point normally distant westerly from Sta. 1740+25 on said present westerly right of way line; thence to a point 35 ft. normally distant westerly from Sta. 1741+00, thence to a point 35 ft. normally distant westerly of centerline on the present existing southerly right of way line of said east-west Local Road containing 0.05 acre, more or less."

Said Plaintiff also appeals from the failure of the Condemnation Commission to award attorney fees as required by Section 472.33. The Plaintiff further appeals from the illegal action of the Condemnation Commission in their attempt to change the taking of the Condemnor by their addition of the following words to their award:

> "This award does not consider any damage to the east-west fence on the north side with the understanding that the Condemnee has the right to salvage the north-south fence and gate on the east side"

All as described and referred to in the Notice of Condemnation Assessment as amended and as found in the Appraisment of Damages by said Condemnation Commission.

You are further notified that said appeal will come on for hearing before said court, which convenes and is held at Winterset, in Madison County, Iowa, as by law provided.

WEBSTER, JORDAN & OLIVER

by _____

Lewis H. Jordan
Farmers & Merchants Bank Building
Winterset, Iowa 50273
Telephone: 515-462-3731

ATTORNEYS FOR PLAINTIFF

j

ACKNOWLEDGMENT OF SERVICE

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

Dated at Ames, Iowa this 17 day of October, 1974.

IOWA STATE HIGHWAY COMMISSION

by Asher E. Schroeder

Asher Schroeder
Special Assistant
Attorney General
Counsel to the Iowa State
Highway Commission

Ames, Iowa 50010