MW-447

In the Matter of the Condemnation of Certain Rights i 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
1975 MAY -7 PM 1:07
MARY E. WELTY
CLERK OF DIST. COURT
MADISON COUNTY, IOWA

FILED
1975 FEB 5 PM 1:16

STIPULATION AND RELEASE

WITNESSETH, this agreement between the City of Winterset, (hereinafter referred to as the City), and the Iowa State Highway Commission, (hereinafter referred to as the Commission), arises out of the above-captioned matter condemnation proceedings and award made therein on September 26, 1974.

It is hereby stipulated by and between the parties that in consideration of the sum of $ 100.00 to be paid by the Commission to the City for its out-of-pocket expenses incurred for attorney fees, the City does hereby release, acquit, and forever discharge the Commission from any and all liability whatsoever, including all claims, demands and causes of action, including rights of appeal, of every nature arising out of or by reason of said condemnation proceedings. Provided, however, it is stipulated by the parties that it is not the intention of the Commission to acquire or disturb that portion of the existing east-west fence lying along the local road, westerly of the area acquired by permanent easement. The City, should any such portion of said fence be acquired or disturbed, retains the full right to just compensation for such taking, if any so occurs.

It is further agreed that upon the deposit of a warrant for said sum of money with the Sheriff of Madison County that the same may be released by said Sheriff to the City and a copy of this Stipulation and Release shall be filed with the papers pertaining to said condemnation as a part thereof and funds accounted therefor in the same manner specified by Section 472.35.

In all other respects, said award and condemnation proceedings shall be made final and said award is accepted in full payment of the rights in land condemned.

Lewis A. Jordan
LEWIS JORDAN

Franklin W. Sauer
FRANKLIN W. SAUER

FILED NO. 678
BOOK 111 PAGE 427
1975 MAY 27 PM 4:03
MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
Fee $6.50

Con. Condemnation & Appeal
see deed 111-257

FILED
1975 MAR -6 AM 9:37
MARGARET L. MILLER
CLERK OF DISTRICT COURT
MADISON COUNTY, IOWA

j

IN THE DISTRICT COURT OF THE STATE OF IOWA

IN AND FOR MADISON COUNTY

CITY OF WINTERSET,	:	LAW NO. ~~2631~~ 21276
Plaintiff,	:	
vs.	:	
IOWA STATE HIGHWAY COMMISSION,	:	
Defendant.	:	DISMISSAL

COMES NOW, the Plaintiff, and dismisses its cause of action with prejudice.

WEBSTER, JORDAN & OLIVER

By _____

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

ATTORNEYS FOR PLAINTIFF

FILED NO. 678
BOOK 111 PAGE 427
1975 MAY 27 PM 4:03
MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA

PEACE OFFICERS
REX ROUSE, Sheriff
C. R. BENTZ, Co. Atty.

JUDGES FIFTH JUDICIAL DISTRICT
HON. VAN WIFVAT, Perry
HON. M. C. HERRICK, Indianola
HON. ROBERT O. FREDERICK, Winterset

OFFICE OF

CLERK DISTRICT COURT

MADISON COUNTY, IOWA

MARGARET WHEELER, Clerk • ILA L. SILVERTHORN, Deputy

WINTERSET, IOWA 50273

May 19, 1975

FILED NO 678
BOOK 111 PAGE 427

1975 MAY 27 PM 4:03

MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA

TO WHOM IT MAY CONCERN:

This is to certify that #21276 - City of Winterset vs. Iowa State Highway Commission, Appeal of Condemnation, was dismissed on March 6, 1975.

The total amount of money received was $100.00 attorney fee paid to Lewis Jordan, attorney, together with $6.00 to cover court costs.

SEAL OF THE DISTRICT COURT MADISON COUNTY IOWA

Margaret Wheeler
Clerk of District Court