RECEIVED
7-15-75
940
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

: - : - :

IN THE MATTER OF THE CONDEMNATION OF CERTAIN RIGHTS IN LAND BY THE CITY OF WINTERSET, IOWA, FOR THE USE AND BENEFIT OF THE CITY OF WINTERSET, IOWA, IN THE EXTENSION AND IMPROVEMENT OF WEST BENTON STREET LOCATED IN THE CITY OF WINTERSET, IOWA.

APPLICATION FOR CONDEMNATION OF PROPERTY

: - : - :

TO. . . . GIBSON C. HOLLIDAY, CHIEF JUDGE, FIFTH JUDICIAL DISTRICT OF IOWA.

COMES NOW the City of Winterset, Iowa, and hereby makes Application under the provisions of Section 472.3 of the 1975 Code of Iowa, and in support of said Application, states:

1. A legal description of the two parcels of property in the City, affected and sought to be condemned in fee, is as follows, to-wit:

(A) The North 25.0' of the following described property: Commencing at a point 248 feet east of the NW. Cor. of the S½ of the N½ of the SW¼ of the NE¼ Sec. 36-T76N-R28W of the 5th P.M., Madison County, Iowa. Thence east 158 feet, thence South to a point 33 feet north of the South line of said S½ of the N½ of the SW¼ of the NE¼, thence west 236 feet, thence north 165 feet, thence east 78 feet, thence north 132 feet to the point of beginning.

(B) The North 25.0' of the following described property: commencing at a point 406 feet east of the NW. Cor. of the S½ of the N½ of the SW¼ of the NE¼ of Sec. 36-T76N-R28W of the 5th P.M., Madison County, Iowa. Thence south to a point 33 feet north of the South line of said S½ of the N½ of the SW¼ of the NE¼, thence east 148 feet, thence north to the North line of said S½ of the N½ of the SW¼ of the NE¼, thence west 148 feet to the point of beginning.

2. Attached hereto and by this reference made a part hereof is an engineering plat drawing showing the location of the two parcels described above.

3. The present owners of record of parcels A and B described above are, respectively:

(A) - David M. Griswold and Doris H. Griswold, husband and wife, 701 West Buchanan, Winterset, Iowa 50273.

(B) - Marjorie B. Johnson, 617 West Buchanan, Winterset, Iowa 50273.

4. Condemnation of the property rights described above is sought for the extension (to the west) and improvement of West

ENTERED FOR TAXATION
THIS 19 DAY OF August 1975
AUDITORS FEE $ 2.00
Lowyer F. Abrahams
AUDITOR
DEPUTY AUDITOR

FILED NO. 1131
BOOK 111 PAGE 492
1975 AUG 19 PM 1:39
MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
Fee #7450

Benton Street which presently dead ends approximately half way between North 4th Avenue and North 8th Avenue in the City of Winterset, Iowa.

5. Applicant respectively requests the appointment of a Commission to appraise the damages that would result from the condemnation of the property rights described above.

Dated this 11th day of JULY, 1975.

Recvd 7/14/75
S/ Gibson C Holliday
Chief Judge

CITY OF WINTERSET, IOWA.

GORDON K. DARLING

CHET R. CHICKERING

By Chet R. Chickering
53 Jefferson Street
Winterset, Iowa 50273
Telephone 462-2442
Attorneys for Applicant.

494

NW. Cor. $S\frac{1}{2},N\frac{1}{2}$; $SW\frac{1}{4}$, $NE\frac{1}{4}$, Sec. 36-T76N-R28W.

℄ BENTON STREET

248.0'

50'

25'

158.0'

Parcel "A"

148.0'

Parcel "B"

25'

50'

30'

50'

132.0'

78.0'

165.0'

8TH AVENUE

WEST LINE SW.1/4 NE.1/4 SEC. 36-T76N-R28W

SCALE: 1"=50'

236.0'

148.0'

33'

33'

SW. Cor. $SW\frac{1}{4},NE\frac{1}{4}$ Sec. 36-T76N-R28W.

℄ BUCHANAN STREET

SOUTH LINE SW.1/4 NE.1/4 SEC. 36-T76N-R28W.

Recd 9-15-75 9410 MW

7/10/75 C:kh

RECEIVED
7-15-75 9:40 am
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

: - : - :

IN THE MATTER OF THE CONDEMNATION OF CERTAIN RIGHTS IN LAND BY THE CITY OF WINTERSET, IOWA, FOR THE USE AND BENEFIT OF THE CITY OF WINTERSET, IOWA, IN THE EXTENSION AND IMPROVEMENT OF WEST BENTON STREET LOCATED IN THE CITY OF WINTERSET, IOWA.

SELECTION AND APPOINTMENT OF COMPENSATION COMMISSIONERS

: - : - :

CITY OF WINTERSET, MADISON COUNTY, IOWA

An Application for Condemnation having been filed with me by the City of Winterset, Iowa 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	QUALIFICATION
Melvin Jones	Winterset	City Property Owners
Paul Griffith	Winterset	
Earl Whitworth	Winterset	Licensed Real Estate Salesman or Broker
Gene Vierling	Winterset	
Kenneth Ritter	Winterset	Knowledgeable of Property Values by Virtue of Occupation
Irvin Martens	Winterset	

I further designate, select, and appoint the above named Kenneth Ritter 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 matter.

Dated at Des Moines, Iowa, ~~this~~ 14th day of July, 1975.

Osmond Holliday
Chief Judge of the Fifth Judicial District, Including Madison County.

Filed in my office at Winterset, Iowa this 15th day of July, 1975.

Roy Reuse
Sheriff of Madison County, Iowa.

495

7/10/75 CLERK

496

REC...
7-15-75
940
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

: - : - :

IN THE MATTER OF THE CONDEMNATION OF CERTAIN RIGHTS IN LAND BY THE CITY OF WINTERSET, IOWA, FOR THE USE AND BENEFIT OF THE CITY OF WINTERSET, IOWA, IN THE EXTENSION AND IMPROVEMENT OF WEST BENTON STREET LOCATED IN THE CITY OF WINTERSET, IOWA.

SUPPLEMENTARY ORDER APPOINTING ALTERNATE COMPENSATION COMMISSIONERS

: - : - :

CITY OF WINTERSET, MADISON COUNTY, IOWA

An Application for Condemnation having been filed with me by the City of Winterset, Iowa, for the selection and appointment, by lot, of a duly constituted compensation commission, and said selection and appointment having been made by me, I further, DESIGNATE, SELECT and APPOINT the following persons to serve as alternate members of said compensation commission, in the event that any of the said members having the same qualifications are unable to serve for any reason.

NAME	ADDRESS	QUALIFICATION
James Breeding	Winterset	City Property Owners
Ole Olson	Winterset	Licensed Real Estate Salesman or Broker
Wayne Newton	Winterset	Knowledgeable of Property Values By Virtue of Occupation

The Sheriff of Madison County, Iowa, shall upon being informed of a vacancy in the compensation commission, notify the alternate member appointed having the same qualifications as the person unable to serve in the same manner as the original commissioners were notified.

Dated at Des Moines, Iowa, this 14th day of July, 1975.

Robert O. Holliday
JUDGE OF THE FIFTH JUDICIAL DISTRICT
Including Madison County, Iowa.

Filed in my office at Winterset, Iowa this 15th day of July, 1975.

Roy Reese
Sheriff of Madison County, Iowa.

7/10/75 C:kh

: - : - :

RECEIVED
1-16-75 10:30 AM
SHERIFF
WINTERSET, IOWA

IN THE MATTER OF THE CONDEMNATION OF CERTAIN RIGHTS IN LAND BY THE CITY OF WINTERSET, IOWA, FOR THE USE AND BENEFIT OF THE CITY OF WINTERSET, IOWA, IN THE EXTENSTION AND IMPROVEMENT OF WEST BENTON STREET LOCATED IN THE CITY OF WINTERSET, IOWA. : SUMMONS TO COMMISSIONERS

: - : - :

TO: MELVIN JONES, PAUL GRIFFITH, EARL WHITWORTH, GENE VIERLING, KENNETH RITTER AND IRVIN MARTENS:

The City of Winterset, Iowa, has filed with the Chief Judge of the Fifth Judicial District of Iowa including Madison County, an Application for the selection of a Compensation Commission to assess the damages which owners, lien holders, 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 condemnation in fee of real estate for the extension (to the west) and improvement of West Benton Street which presently dead ends approximately half way between North 4th Avenue and North 8th Avenue in the City of Winterset, Iowa.

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the Fifth 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 Kenneth Ritter 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 of Madison County, State of Iowa, on the 29th day of July, 1975 at 9:00 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
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 17th day of July, 1975. I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

Filed in my office at Winterset, Iowa, this 21 day of July, 1975.

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

_____

498

RECEIVED
7-16-75
10:50 AM
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

: - : - :

IN THE MATTER OF THE CONDEMNATION OF CERTAIN RIGHTS IN LAND BY THE CITY OF WINTERSET, IOWA, FOR THE USE AND BENEFIT OF THE CITY OF WINTERSET, IOWA, IN THE EXTENSTION AND IMPROVEMENT OF WEST BENTON STREET LOCATED IN THE CITY OF WINTERSET, IOWA. : SUMMONS TO COMMISSIONERS

: - : - :

TO: MELVIN JONES, PAUL GRIFFITH, EARL WHITWORTH, GENE VIERLING, KENNETH RITTER AND IRVIN MARTENS:

The City of Winterset, Iowa, has filed with the Chief Judge of the Fifth Judicial District of Iowa including Madison County, an Application for the selection of a Compensation Commission to assess the damages which owners, lien holders, 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 condemnation in fee of real estate for the extension (to the west) and improvement of West Benton Street which presently dead ends approximately half way between North 4th Avenue and North 8th Avenue in the City of Winterset, Iowa.

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the Fifth 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 Kenneth Ritter 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 of Madison County, State of Iowa, on the 29th day of July, 1975 at 9:00 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.

Rep Reese
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 24th day of July, 1975. I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

Gene Vierling

Filed in my office at Winterset, Iowa, this ____ day of _____, 1975.

_____
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

_____

7/10/75 C:kh

RECEIVED
7-16-75
1050
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

: - : - :

IN THE MATTER OF THE CONDEMNATION OF CERTAIN RIGHTS IN LAND BY THE CITY OF WINTERSET, IOWA, FOR THE USE AND BENEFIT OF THE CITY OF WINTERSET, IOWA, IN THE EXTENSTION AND IMPROVEMENT OF WEST BENTON STREET LOCATED IN THE CITY OF WINTERSET, IOWA. : SUMMONS TO COMMISSIONERS

: - : - :

TO: MELVIN JONES, PAUL GRIFFITH, EARL WHITWORTH, GENE VIERLING, KENNETH RITTER AND IRVIN MARTENS:

The City of Winterset, Iowa, has filed with the Chief Judge of the Fifth Judicial District of Iowa including Madison County, an Application for the selection of a Compensation Commission to assess the damages which owners, lien holders, 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 condemnation in fee of real estate for the extension (to the west) and improvement of West Benton Street which presently dead ends approximately half way between North 4th Avenue and North 8th Avenue in the City of Winterset, Iowa.

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the Fifth 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 Kenneth Ritter 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 of Madison County, State of Iowa, on the 29th day of July, 1975 at 9:00 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.

Rep Ronse
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 18th day of July, 1975. I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

Earl D. Whitworth

Filed in my office at Winterset, Iowa, this 21 day of July, 1975.

Rep Ronse
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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RECEIVED
7-16-75
10 50 AM
SHERIFF
WINTERSET, IOWA

: - : - :

IN THE MATTER OF THE CONDEMNATION OF CERTAIN RIGHTS IN LAND BY THE CITY OF WINTERSET, IOWA, FOR THE USE AND BENEFIT OF THE CITY OF WINTERSET, IOWA, IN THE EXTENSTION AND IMPROVEMENT OF WEST BENTON STREET LOCATED IN THE CITY OF WINTERSET, IOWA. : SUMMONS TO COMMISSIONERS

: - : - :

TO: MELVIN JONES, PAUL GRIFFITH, EARL WHITWORTH, GENE VIERLING, KENNETH RITTER AND IRVIN MARTENS:

The City of Winterset, Iowa, has filed with the Chief Judge of the Fifth Judicial District of Iowa including Madison County, an Application for the selection of a Compensation Commission to assess the damages which owners, lien holders, 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 condemnation in fee of real estate for the extension (to the west) and improvement of West Benton Street which presently dead ends approximately half way between North 4th Avenue and North 8th Avenue in the City of Winterset, Iowa.

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the Fifth 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 Kenneth Ritter 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 of Madison County, State of Iowa, on the 29th day of July, 1975 at 9:00 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
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 22 day of July, 1975. I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

Irvin H. Martens

Filed in my office at Winterset, Iowa, this 23 day of July, 1975.

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

_____

7/10/75 C:kh

RECEIVED
7-10-75
10 5-0
SHERIFF
WINTERSET, IOWA

: - : - :

IN THE MATTER OF THE CONDEMNATION OF CERTAIN RIGHTS IN LAND BY THE CITY OF WINTERSET, IOWA, FOR THE USE AND BENEFIT OF THE CITY OF WINTERSET, IOWA, IN THE EXTENSTION AND IMPROVEMENT OF WEST BENTON STREET LOCATED IN THE CITY OF WINTERSET, IOWA. : SUMMONS TO COMMISSIONERS

: - : - :

TO: MELVIN JONES, PAUL GRIFFITH, EARL WHITWORTH, GENE VIERLING, KENNETH RITTER AND IRVIN MARTENS:

The City of Winterset, Iowa, has filed with the Chief Judge of the Fifth Judicial District of Iowa including Madison County, an Application for the selection of a Compensation Commission to assess the damages which owners, lien holders, 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 condemnation in fee of real estate for the extension (to the west) and improvement of West Benton Street which presently dead ends approximately half way between North 4th Avenue and North 8th Avenue in the City of Winterset, Iowa.

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the Fifth 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 Kenneth Ritter 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 of Madison County, State of Iowa, on the 29th day of July, 1975 at 9:00 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
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 22nd day of July, 1975. I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

Paul L. Griffith

Filed in my office at Winterset, Iowa, this 23 day of July, 1975.

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

_____

RECEIVED
1-16-75, 10:50 AM
SHERIFF
WINTERSET, IOWA

: - : - :

IN THE MATTER OF THE CONDEMNATION OF CERTAIN RIGHTS IN LAND BY THE CITY OF WINTERSET, IOWA, FOR THE USE AND BENEFIT OF THE CITY OF WINTERSET, IOWA, IN THE EXTENSTION AND IMPROVEMENT OF WEST BENTON STREET LOCATED IN THE CITY OF WINTERSET, IOWA. : SUMMONS TO COMMISSIONERS

: - : - :

TO: MELVIN JONES, PAUL GRIFFITH, EARL WHITWORTH, GENE VIERLING, KENNETH RITTER AND IRVIN MARTENS:

The City of Winterset, Iowa, has filed with the Chief Judge of the Fifth Judicial District of Iowa including Madison County, an Application for the selection of a Compensation Commission to assess the damages which owners, lien holders, 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 condemnation in fee of real estate for the extension (to the west) and improvement of West Benton Street which presently dead ends approximately half way between North 4th Avenue and North 8th Avenue in the City of Winterset, Iowa.

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the Fifth 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 Kenneth Ritter 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 of Madison County, State of Iowa, on the 29th day of July, 1975 at 9:00 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.

Rep 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 21 day of July, 1975. I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

M. K. Jones

Filed in my office at Winterset, Iowa, this 21 day of July, 1975.

Rep 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

_____

7/10/75 C;kh

RECEIVED
4-16-75
1050
MADISON CO IOWA
SHERIFF
WINTERSET, IOWA

: - : - :

IN THE MATTER OF THE CONDEMNATION OF CERTAIN RIGHTS IN LAND BY THE CITY OF WINTERSET, IOWA, FOR THE USE AND BENEFIT OF THE CITY OF WINTERSET, IOWA, IN THE EXTENSION AND IMPROVEMENT OF WEST BENTON STREET LOCATED IN THE CITY OF WINTERSET, IOWA. :

NOTICE OF CONDEMNATION OF PROPERTY BY THE CITY OF WINTERSET, IOWA.

: - : - :

TO: DAVID M. GRISWOLD, DORIS H. GRISWOLD, MARJORIE B. JOHNSON; AND ALL OTHER PERSONS, COMPANIES OR CORPORATIONS HAVING ANY INTEREST IN OR OWNING ANY OF THE FOLLOWING DESCRIBED REAL ESTATE:

The North 25.0' of the following described property: Commencing at a point 248 feet east of the NW. Cor. of the S½ of the N½ of the SW¼ of the NE¼ Sec. 36-T76N-R28W of the 5th P.M., Madison County, Iowa. Thence east 158 feet, thence South to a point 33 feet north of the South line of said S½ of the N½ of the SW¼ of the NE¼, thence west 236 feet, thence north 165 feet, thence east 78 feet, thence North 132 feet to the point of beginning.

The North 25.0' of the following described property: Commencing at a point 406 feet east of the NW. Cor. of the S½ of the N½ of the SW¼ of the NE¼ of Sec. 36-T76N-R28W of the 5th P.M., Madison County, Iowa. Thence south to a point 33 feet north of the South line of said S½ of the N½ of the SW¼ of the NE¼, thence east 148 feet, thence north to the north line of said S½ of the N½ of the SW¼ of the NE¼, thence west 148 feet to the point of beginning.

YOU ARE HEREBY NOTIFIED that the City of Winterset, Iowa, desires the condemnation in fee of the two following described parcels of real estate:

PARCEL "A"

Parcel is described as the North 25.0' of the following described property: Commencing at a point 248 feet east of the NW. Cor. of the S½ of the N½ of the SW¼ of the NE¼ Sec. 36-T76N-R28W of the 5th P.M., Madison County, Iowa. Thence east 158 feet, thence South to a point 33 feet north of the South line of said S½ of the N½ of the SW¼ of the NE¼, thence west 236 feet, thence north 165 feet, thence east 78 feet, thence north 132 feet to the point of beginning.

PARCEL "B"

Parcel is described as the North 25.0' of the following described property: Commencing at a point 406 feet east of the NW. Cor. of the S½ of the N½ of the SW¼ of the NE¼ of Sec. 36-T76N-R28W of the 5th P.M., Madison County, Iowa. Thence South to a point 33 feet

north of the South line of said S½ of the N½ of the SW¼ of the NE¼, thence east 148 feet, thence north to the North line of said S½ of the N½ of the SW¼ of the NE¼, thence west 148 feet to **the point of beginning.**

YOU ARE FURTHER NOTIFIED that the City of Winterset, Iowa, desires condemnation of the above described property in fee for the purpose of the extension (to the west) and improvement of West Benton Street which presently dead ends approximately half way between North 4th Avenue and North 8th Avenue in the City of Winterst, Iowa.

A Compensation Commission has been appointed as provided by law for the purpose of appraising the damages which will be occasioned by said condemnation in fee.

The Commissioners of the Compensation Commission will, on the 29 day of July, 1975, at 9:30 o'clock A. M. view said premises and proceed to appraise said damages at which time you may appear before the Commissioners, if you care to do so.

CITY OF WINTERSET, IOWA.

GORDON K. DARLING

CHET R. CHICKERING

BY Chet R. Chickering

53 Jefferson Street
Winterset, Iowa 50273
Telephone 462-2442
Attorneys for Applicant.

15

OFFICERS RETURN OF SERVICE

BBB

STATE OF IOWA, Madison County, ss.

The attached notice with copy of Petition attached received this 16th day of July, 1975, and I certify that I served the same on the defendants named below by delivering a copy thereof to each of said defendants personally at the time and place set opposite their respective name.

Name of Defendants	Month	Day	Year	Township	County	State
David M. Griswold	July	16th	1975	Center	Madison	Iowa
Doris H. Griswold	July	16th	1975	Center	Madison	Iowa
Marjorie B. Johnson	July	16th	1975	Center	Madison	Iowa

Rex Rouse Sheriff

Rex Rouse

Madison County, Iowa

By _____, Deputy Sheriff

FEES

Service $ 5.00

Copies $ _____

Notary $ _____

Mileage $ 1.00

Total $ 6.00

RECEIVED
7-16-75
10 50 AM
SHERIFF
WINTERSET, IOWA

506

: - : - :

IN THE MATTER OF THE CONDEMNATION OF CERTAIN RIGHTS IN LAND BY THE CITY OF WINTERSET, IOWA, FOR THE USE AND BENEFIT OF THE CITY OF WINTERSET, IOWA, IN THE EXTENSION AND IMPROVEMENT OF WEST BENTON STREET LOCATED IN THE CITY OF WINTERSET, IOWA.

OATH OF COMMISSIONERS

: - : - :

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 condemnation in fee of real estate for the extension (to the west) and improvement of West Benton Street which presently dead ends approximately half way between North 4th Avenue and North 8th Avenue in the City of Winterset, Iowa, and make a written report to the Sheriff as authorized and prescribed in Chapter 306, 306A, 306B, 313, 471, and 472 of the 1975 Code of Iowa 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.

Melvin V. Jones
NAME:
City Property Owners

Paul L Griffith
NAME:

NAME:

NAME:
Licensed Real Estate Salesman or Broker

NAME:

NAME:
Knowledgeable of Property Values by Virtue of Occupation

MAYCIL MCKEE
Iowa
NOTARIAL SEAL

Subscribed and sworn to before me this 29 day of July, 1975.

Notary Public in and for the State of Iowa.

Filed in my office at Winterset, Iowa, this 29 day of July, 1975.

Sheriff of Madison County, Iowa.

STATE OF IOWA
MADISON COUNTY

I hereby certify that I have this 29th day of July, 1975 read aloud the "WRITTEN INSTRUCTIONS FOR MEMBERS OF THE COMPENSATION COMMISSION" su bmitted to me for this purpose by the Chief Justice of the Iowa Supreme Court. (Senate File 1171 - 63rd GA 2nd Session)

REX ROUSE, SHERIFF OF MADISON COUNTY, IOWA

INSTRUCTIONS TO CONDEMNATION COMMISSIONERS FROM IOWA CHIEF JUSTICE

You have been selected as a compensation commission to determine and assess damages to property condemned for a public use under the power of eminent domain.

Pursuant to the provisions of section 5, Senate File 1171, Acts of the 63rd General Assembly, you are instructed as follows:

1. The Constitution prohibits the taking of private property for a public use without just compensation. Governmental units and certain utilities are authorized by statute to condemn private property or a certain use thereof for public purposes and it is your duty to fix a just compensation for that taking or use. You shall arrive at such compensation in a fair and impartial manner and on an independent basis without taking into consideration any advantages or benefits which may accrue to the property from such public use. The property owner is entitled to be made whole but double recovery is not allowed.

2. Where the entire property unit is taken, the measure of damages is the fair market value of the property immediately before condemnation and before such value has been affected by the proposed public use. Where only a portion of the property unit is taken, including certain rights such as an easement, the measure of damages is the difference between the fair market value of the property as a whole immediately before condemnation and before it has been affected by the proposed public use and the fair market value of what is left after the taking. Any advantage which may accrue to the remaining property by reason of the public use is not to be considered. Substantially the same measure applies to damages to a leasehold.

3. Allowance shall be made to the owner for any personal property damaged or destroyed, for the cost of removing and replacing fences and removing buildings onto abutting property of the owner.

4. Allowance shall be made for cost, if any, of removing personal property a distance not to exceed 25 miles but not over $500.

5. In arriving at the fair market value of the property you shall not consider evidence or information regarding prior negotiations between the parties. However, when you report the commission's award to the sheriff if it exceeds 110% of the condemnor's final offer, he will so advise you and you will then determine and fix reasonable attorney fees and costs, if any, incurred by the condemnee in presenting his case before your commission.

6. You will be in charge of the sheriff who will administer the oath to you and furnish transportation to and from the site of the property or properties you are required to view.

These brief and general instructions do not purport to enumerate all problems which might confront you but the position of the parties or their attorneys on any additional problems may be explained to you at the time of the hearing.

Prepared at Des Moines, Iowa this 29th day of June, 1970.

C. Edwin Moore

C. EDWIN MOORE, CHIEF JUSTICE
SUPREME COURT OF IOWA.

7/10/75 C:kh

508

: - : - :

IN THE MATTER OF THE CONDEMNATION OF CERTAIN RIGHTS IN LAND BY THE CITY OF WINTERSET, IOWA FOR THE USE AND BENEFIT OF THE CITY OF WINTERSET, IOWA, IN THE EXTENSION AND IMPROVEMENT OF WEST BENTON STREET LOCATED IN THE CITY OF WINTERSET, IOWA.

AFFIDAVIT OF FINAL OFFER

: - : - :

On this 28 day of July, 1975, comes the City of Winterset, Iowa, 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:

David M. Griswold and Doris H. Griswold	Land	$ 893.00
	Consequential Damages	.00
		$ 893.00
Marjorie B. Johnson	Land	$ 881.00
	Consequential Damages	.00
		$ 881.00

CITY OF WINTERSET, IOWA.

GORDON K. DARLING

CHET R. CHICKERING

By Chet R. Chickering

53 Jefferson Street
Winterset, Iowa 50273
Telephone 462-2442
Attorneys for Applicant.

MARTHA K. PATE NOTARIAL SEAL

Subscribed and sworn to before me this 28 day of July, 1975.

Martha K Pate

Notary Public in and for the State of Iowa.

Filed in my office at Winterst, Iowa, this 28 day of July, 1975.

Rex Rouse

Sheriff of Madison County, Iowa.

7/10/75 C;kh

RECEIVED
7-16-75
10 50
pm
SHERIFF
WINTERSET, IOWA

: - : - :

IN THE MATTER OF THE CONDEMNATION OF CERTAIN RIGHTS IN LAND BY THE CITY OF WINTERSET, IOWA, FOR THE USE AND BENEFIT OF THE CITY OF WINTERSET, IOWA, IN THE EXTENSION AND IMPROVEMENT OF WEST BENTON STREET LOCATED IN THE CITY OF WINTERSET, IOWA. : REPORT OF CONDEMNATION COMMISSION

: - : - :

TO: REX ROUSE, SHERIFF OF MADISON COUNTY, IOWA.

We, the undersigned, being 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 reports 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
GRISWOLD	$	$	$ 134⁹⁹	$ 210⁰⁰
JOHNSON	$	$	$ 126⁰⁰	$ 210⁰⁰

Respectfully reported at Winterset, Iowa, this 29 day of July, 1975.

Paul L Griffith

Melvin D. Jones

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

Filed in my office at Winterset, Iowa this 29 day of July, 1975.

Rex Rouse
Sheriff of Madison County, Iowa.

Attorney fees accepted 8-12-75
Webster, Jordan & Olmsted
By

IN THE MATTER OF THE CONDEMNATION OF CERTAIN RIGHTS IN LAND BY THE CITY OF WINTERSET, IOWA, FOR THE USE AND BENEFIT OF THE CITY OF WINTERSET, IOWA, IN THE EXTENSION AND IMPROVEMENT OF WEST BENTON STREET LOCATED IN THE CITY OF WINTERSET, IOWA.

NOTICE OF APPRAISEMENT OF DAMAGES AND TIME FOR APPEAL

TO: David M. Griswold, Doris H. Griswold and Marjorie B. Johnson.

You and each of you are hereby notified that the duly appointed and qualified commissioners assessed and appraised the damages sustained by you by reason of the condemnation as set out upon the attached report of Compensation Commission, 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.

Rex Rouse

Rex Rouse, S heriff
Madison County, Ia.

IN THE MATTER OF THE CONDEMNATION OF CERTAIN RIGHTS IN LAND BY THE CITY OF WINTERSET, IOWA, FOR THE USE AND BENEFIT OF THE CITY OF WINTERSET, IOWA, IN THE EXTENSION AND IMPROVEMENT OF WEST BENTON STREET LOCATED IN THE CITY OF WINTERSET, IOWA.

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

I, Rex Rouse, Sheriff of Madison County, Iowa, hereby endorse and certify to the attached report of Compensation Commission that I have mailed by ordinary mail on this 29th day of July, 1975, the likewise attached Notice of Appraisement of Damages and Time for Appeal to each of the persons which it is addressed.

Rex Rouse

Rex Rouse, Sheriff
Madison County, Iowa

SHERIFF'S CERTIFICATION OF COSTS

I further certify that costs incident to this proceeding have been taxed as follows:

		FEE	Postage	Mileage	Total
1.	Sheriff serving notices and copy	5.00		1.00	6.00
2.	Summoning commissioners		1.80		1.80
3.	Sheriff attending commissioners	30.00		1.00	31.00
					$38.80

4. COMMISSIONERS EXPENSES:

Kenneth Ritter, Chairman 1 day service, mileage and meal	53.06
Irvin Martens 1 day service, mileage and meal	53.85
Gene Vierling 1 day service, mileage and meal	54.11
Earl Whitworth 1 day service, mileage and meal	54.77
Paul Griffith 1 day service, mileage and meal	53.06
Melvin Jones 1 day service, mileage and meal	52.75
TOTAL COMMISSIONERS EXPENSES	$321.60

5. DAMAGES AWARDED:

David M. Griswold and Doris H. Griswold	$1347.00
Shirley Webster, Attorney	210.00
Marjorie B. Johnson	1268.00
Shirley Webster, Attorney	210.00
TOTAL DAMAGES AWARDED	$3035.00

RECAPITULATION

TOTAL DAMAGES AWARDED	$3035.00
TOTAL SHERIFF'S COSTS	38.80
TOTAL COMMISSIONER"S EXPENSES	321.60
GRAND TOTAL	$3395.40

Certified a true statement of condemnations awards and expense in connection with: "In the Matter of the Condemnation of Certain Rights in Land by the City of Winterset, Iowa, for The use and benefit of the City of Winterset, Iowa, in the Extension and Improvement of West Benton Street located in the City of Winterset, Iowa, and the Original copies thereof on this 29th day of July, 1975.

Rex Rouse

REX ROUSE, SHERIFF OF MADISON COUNTY, IOWA

RECEIVED
7-29-75
9:0
WINTERSET, IOWA

24

IN THE MATTER OF THE CONDEMNATION OF CERTAIN RIGHTS IN LAND BY THE CITY OF WINTERSET, IOWA, FOR THE USE AND BENEFIT OF THE CITY OF WINTERSET, IOWA, IN THE EXTENSION AND IMPROVEMENT OF WEST BENTON STREET LOCATED IN THE CITY OF WINTERSET, IOWA.

OBJECTIONS TO PROCEEDINGS BY DAVID M. GRISWOLD AND DORIS H. GRISWOLD.

DAVID M. GRISWOLD AND DORIS H.GRISWOLD, persons to whom notice of condemnation was addressed herein, object to the proceedings in this matter, and as grounds therefor state:

The proceedings herein are annulity in that the City of Winterset has failed to comply with the provisions of Chapter 472 of the 1975 Code of Iowa in the following particulars:

1. The notice of condemnation herein names the undersigned objectors who own a portion of the real estate described in said notice. Said notice failed to point out the description of the real estate owned by these objectors and fails to point out the portion of said real estate which the City desires to condemn.

2. The purported notice of condemnation sets the time of hearing for the Commission at the same time on both premises.

3. The notice of condemnation fails to comply with the provisions of Section 472.9 of the Code of Iowa in that it treats the separate parcels of land and the separate owners thereof as one unit, whereas, in truth and in fact, the objectors, David M. Griswold and Doris H. Griswold, have no interest in any real estate owned by the condemnee, Marjorie B. Johnson.

4. These objectors further state that the City of Winterset has failed to comply with Section 472.45 of the 1975 Code of Iowa in that it has failed to submit to these objectors ten (10) days prior to the date of contact, a copy of the appraisal which includes an itemization of the appraised value of the real estate, or interest therein, any buildings thereon, all other improvements including fences, and severance damages.

Respectfully submitted,

DAVID M. GRISWOLD AND DORIS H. GRISWOLD

By Shirley A. Webster

Shirley A. Webster
Farmers & Merchants State Bank Bldg.
Winterset, Iowa

Their Attorney

513

IN THE MATTER OF THE CONDEMNATION OF CERTAIN RIGHTS IN LAND BY THE CITY OF WINTERSET, IOWA, FOR THE USE AND BENEFIT OF THE CITY OF WINTERSET, IOWA, IN THE EXTENSION AND IMPROVEMENT OF WEST BENTON STREET LOCATED IN THE CITY OF WINTERSET, IOWA.

STIPULATION FOR WITHDRAWAL OF OBJECTIONS AND AMENDMENT OF DESCRIPTION OF PROPERTY CONDEMNED.

The City of Winterset (Condemnor) and David M. Griswold and Doris H. Griswold, husband and wife, (Condemnees) do hereby stipulate and agree to the following:

1. Condemnees hereby withdraw all the "objections to proceedings" which they filed at and with the Sheriff's Office of Madison County, Iowa, on the morning of July 29, 1975.

2. Condemnor amends its original Application for Condemnation and Notice to Condemnees to correctly describe the real estate belonging to David M. Griswold and Doris H. Griswold to which it desires to acquire title in fee; the tract to which Condemnor desires to acquire title being described as follows:

> Commencing at a point 248 feet East of the Northwest Corner of the South Half of the North Half of the Southwest Quarter of the Northeast Quarter of Section Thirty-six (36), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa; running thence South 25 feet, thence East 158 feet, thence North approximately 32½ feet to and including the fence that presently marks the north boundary line of the real estate belonging to the Condemnees, David M. Griswold and Doris H. Griswold, thence West along said fence line, including said fence, to a point approximately 7½ feet North of the point of beginning, thence South to the point of beginning.

3. Condemnor and Condemnee agree that the award of damages herein on July 29, 1975, by the Compensation Commission was on the basis of said amended taking by the Condemnor.

CITY OF WINTERSET, IOWA

GORDON K. DARLING

CHET R. CHICKERING

By Chet R. Chickering

53 Jefferson Street
Winterset, Iowa 50273
Telephone 462-2442
Attorneys for the City of Winterset, Iowa

DAVID M. GRISWOLD and DORIS H. GRISWOLD

By Shirley A. Webster

Shirley A. Webster
Farmers & Merchants State Bank Bldg.
Winterset, Iowa 50273
Attorney for David M. Griswold and Doris H. Griswold

8-1-75

56

WEBSTER, JORDAN & OLIVER, ATTORNEYS

FARMERS & MERCHANTS STATE BANK BLDG.

WINTERSET, IOWA 50273

IN ACCOUNT WITH DAVID M. GRISWOLD AND DORIS H. GRISWOLD:

1975

June 11, Checking City appraisal of 25-foot strip; letters to Mr. Chickering, Griswolds and Johnsons; conference with Griswolds and Johnsons.

June 12, Checking legal descriptions of lots in Clarke's Irregular Survey and records in County Recorder's office.

July 8, Conference with Mr. Chickering and letters to Griswolds and Johnsons.

July 21, Conference with Griswolds Re: condemnation proceedings by City of Winterset; checking description of real estate and sufficiency of notice.

July 22, Checking cases Re: title to fence line; checking statutes and cases Re: measure of damages and condemnation proceedings (½ of one-half day).

July 22, Viewing premises and conferring with David and Doris Griswold (Tuesday evening).

July 23, Conference with Mr. Chickering Re: description of real estate and agreeing to amendment to condemnation proceedings to prevent dismissal and recommencement of proceedings.

July 29, Meeting with Commissioners in condemnation proceedings, viewing premises and presentation of Griswolds' case to Condemnation Commissioners.

Total Charges to Griswolds $280.00

515

7-29-75
922
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

516

IN THE MATTER OF THE CONDEMNATION OF CERTAIN RIGHTS IN LAND BY THE CITY OF WINTERSET, IOWA, FOR THE USE AND BENEFIT OF THE CITY OF WINTERSET, IOWA, IN THE EXTENSION AND IMPROVEMENT OF WEST BENTON STREET LOCATED IN THE CITY OF WINTERSET, IOWA.

OBJECTIONS TO PROCEEDINGS BY MARJORIE B. JOHNSON.

MARJORIE B. JOHNSON, the person to whom notice of condemnation was addressed herein, objects to the proceedings in this matter, and as grounds therefor states:

The proceedings herein are annulity in that the City of Winterset has failed to comply with the provisions of Chapter 472 of the 1975 Code of Iowa in the following particulars:

1. The notice of condemnation herein names the undersigned objector who owns a portion of the real estate described in said notice. Said notice failed to point out the description of the real estate owned by this objector and fails to point out the portion of said real estate which the City desires to condemn.

2. The purported notice of condemnation sets the time of hearing for the Commission at the same time on both premises.

3. The notice of condemnation fails to comply with the provisions of Section 472.9 of the Code of Iowa in that it treats the separate parcels of land and the separate owners thereof as one unit, whereas, in truth and in fact, the objector, Marjorie B. Johnson, has no interest in any real estate owned by the condemnees, David M. Griswold and Doris H. Griswold.

4. This objector further states that the City of Winterset has failed to comply with Section 472.45 of the 1975 Code of Iowa in that it has failed to submit to this objector ten (10) days prior to the date of contact, a copy of the appraisal which includes an itemization of the appraised value of the real estate, or interest therein, any buildings thereon, all other improvements including fences, and severance damages.

Respectfully submitted,

MARJORIE B. JOHNSON

By Shirley A. Webster

Shirley A. Webster
Farmers & Merchants State Bank Bldg.
Winterset, Iowa

Her Attorney.

IN THE MATTER OF THE CONDEMNATION OF CERTAIN RIGHTS IN LAND BY THE CITY OF WINTERSET, IOWA, FOR THE USE AND BENEFIT OF THE CITY OF WINTERSET, IOWA, IN THE EXTENSION AND IMPROVEMENT OF WEST BENTON STREET LOCATED IN THE CITY OF WINTERSET, IOWA.	:	STIPULATION FOR WITHDRAWAL OF OBJECTIONS AND AMENDMENT OF DESCRIPTION OF PROPERTY CONDEMNED.

The City of Winterset (Condemnor) and Marjorie B. Johnson (Condemnee) do hereby stipulate and agree to the following:

1. Condemnee hereby withdraws all the "objections to proceedings" which she filed at and with the Sheriff's Office of Madison County, Iowa, on the morning of July 29, 1975.

2. Condemnor amends its original Application for Condemnation and Notice to Condemnee to correctly describe the real estate belonging to Marjorie B. Johnson to which it desires to acquire title in fee; the tract to which Condemnor desires to acquire title being described as follows:

> Commencing at a point 406 feet East of the Northwest Corner of the South Half of the North Half of the Southwest Quarter of the Northeast Quarter of Section Thirty-six (36), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, running thence South 25 feet, thence East 148 feet, thence North approximately 32½ feet to and including the fence that presently marks the north boundary line of the real estate belonging to the Condemnee, Marjorie B. Johnson, thence West along said fence line, including said fence, to a point approximately 7½ feet North of the point of beginning, thence South to the point of beginning

3. Condemnor and Condemnee agree that the award of damages herein on July 29, 1975, by the Compensation Commission was on the basis of said amended taking by the Condemnor.

CITY OF WINTERSET, IOWA

GORDON K. DARLING

CHET R. CHICKERING

By Chet R. Chickering

53 Jefferson Street
Winterset, Iowa 50273
Telephone 462-2442
Attorneys for the City of Winterset, Iowa

MARJORIE B. JOHNSON

By Shirley A. Webster

Shirley A. Webster
Farmers & Merchants State Bank Bldg.
Winterset, Iowa 50273
Attorney for Marjorie B. Johnson

WEBSTER, JORDAN & OLIVER, ATTORNEYS

FARMERS & MERCHANTS STATE BANK BLDG.

WINTERSET, IOWA 50273

IN ACCOUNT WITH MARJORIE B. JOHNSON:

1975

June 11, Checking City appraisal of 25-foot strip; letters to Mr. Chickering, Griswolds and Johnsons; conference with Griswolds and Johnsons.

June 12, Checking legal descriptions of lots in Clark's Irregular Survey and records in County Recorder's office.

July 8, Conference with Mr. Chickering and letters to Griswolds and Johnsons.

July 21, Conference with Griswolds Re: condemnation proceedings by City of Winterset; checking description of real estate and sufficiency of notice.

July 22, Checking cases Re: title to fence lines; checking statutes and cases Re: measure of damages and condemnation proceedings (½ of one-half day).

July 22, Viewing premises and conferring with Marjorie B. Johnson (Tuesday evening).

July 23, Conference with Mr. Chickering Re: description of real estate and agreeing to amendment to condemnation proceedings to prevent dismissal and recommencement of proceedings.

July 29, Meeting with Commissioners in condemnation proceedings, viewing premises and presentation of Mrs. Johnson's case to Condemnation Commissioners.

Total Charges to Johnson $280.00

IN THE DISTRICT COURT OF THE STATE OF IOWA

IN AND FOR MADISON COUNTY

DAVID M. GRISWOLD and
DORIS H. GRISWOLD

Plaintiffs-Appellants

vs.

CITY OF WINTERSET, IOWA

Defendant-Appellee

LAW NO. 21345

NOTICE OF APPEAL

RECEIVED
8-12 7:25 PM
MADISON COUNTY SHERIFF
WINTERSET, IOWA

TO . . . . . Said Defendant and to Rex Rouse, Sheriff of said county:

Each of you are hereby notified that the above-named Plaintiffs hereby appeal to the District Court aforesaid from the award made to Plaintiffs by the Compensation Commission on July 29, 1975, as damages from the Defendant's taking of the following-described real estate, to-wit:

> Commencing at a point 248 feet East of the Northwest corner of the South Half of the North Half of the Southwest Quarter of the Northeast Quarter of Section Thirty-six (36), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa; running thence South 25 feet thence East 158 feet, thence North approximately 32½ feet to and including the fence that presently marks the North boundary line of the real estate belonging to the Condemnees, David M. Griswold and Doris H. Griswold, thence West along said fence line, including said fence, to a point approximately 7½ feet North of the point of beginning, thence South to the point of beginning.

Said appeal will come on for hearing before said Court which convenes and is held at Winterset, Iowa, as by law provided.

WEBSTER, JORDAN & OLIVER

By _____

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

ATTORNEYS FOR PLAINTIFFS-APPELLANTS

FILED NO. 1131
BOOK 111 PAGE 492
1975 AUG 19 PM 1:39
MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA

519

BBB

RETURN OF SERVICE — GOVERNMENTAL BODY

31

STATE OF IOWA, Madison County, ss.

The within Notice of Appeal came into my hands on the 12th day of August, 19 75 and on the 12th day of August, 19 75, 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	$ 4.00
Copies	$
Mileage	$ 1.00
Total	$ 5.00

8-13-75 Fee 3.00 by Town Clerk

Rex Rouse

Rex Rouse

of Madison County

By _____ Deputy.

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

OFFICERS RETURN OF SERVICE

BBB

STATE OF IOWA, Madison County, ss.

NOTICE OF APPEAL

The attached ~~notice with copy of Petition attached~~ received this 12th day of August, 19 75 and I certify that I served the same on the defendants named below by delivering a copy thereof to each of said defendants personally at the time and place set opposite their respective name.

Name of Defendants	Month	Day	Year	Township	County	State
Rex Rouse	August	12th	1975	Center	Madisn	Iowa

Rex Rouse Sheriff

Madison County, Iowa

By _____, Deputy Sheriff

FEES

Service $_____

Copies $_____

Notary $_____

Mileage $_____

Total $_____

133

IN THE DISTRICT COURT OF THE STATE OF IOWA

IN AND FOR MADISON COUNTY

DAVID M. GRISWOLD and
DORIS H. GRISWOLD

Plaintiffs-Appellants

vs.

CITY OF WINTERSET, IOWA

Defendant-Appellee

LAW NO.

NOTICE OF APPEAL

TO . . . . . Said Defendant and to Rex Rouse, Sheriff of said county:

Each of you are hereby notified that the above-named Plaintiffs hereby appeal to the District Court aforesaid from the award made to Plaintiffs by the Compensation Commission on July 29, 1975, as damages from the Defendant's taking of the following-described real estate, to-wit:

> Commencing at a point 248 feet East of the Northwest corner of the South Half of the North Half of the Southwest Quarter of the Northeast Quarter of Section Thirty-six (36), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa; running thence South 25 feet thence East 158 feet, thence North approximately 32½ feet to and including the fence that presently marks the North boundary line of the real estate belonging to the Condemnees, David M. Griswold and Doris H. Griswold, thence West along said fence line, including said fence, to a point approximately 7½ feet North of the point of beginning, thence South to the point of beginning.

Said appeal will come on for hearing before said Court which convenes and is held at Winterset, Iowa, as by law provided.

WEBSTER, JORDAN & OLIVER

By _____

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

ATTORNEYS FOR PLAINTIFF-APPELLANT

ACCEPTANCE OF SERVICE

I, Rex Rouse, Sheriff of Madison County, Iowa, hereby accept service of the within and foregoing notice of appeal on this 12th day of August, 1975, and acknowledge receipt of a copy of said notice of appeal.

_____

Rex Rouse
Sheriff of Madison County

521

522

IN THE MATTER OF THE CONDEMNATION OF CERTAIN RIGHTS IN LAND BY THE CITY OF WINTERSET, IOWA, FOR THE USE AND BENEFIT OF THE CITY OF WINTERSET, IOWA, IN THE EXTENSION AND IMPROVEMENT OF WEST BENTON STREET LOCATED IN THE CITY OF WINTERSET, IOWA.	:	
DAVID M. GRISWOLD and DORIS H. GRISWOLD	:	Sheriff's filing of record after receiving notice of appeal
Plaintiff-Appellant	:	
vs.		
CITY OF WINTERSET, IOWA	:	
Defendant-Appellee		

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

This is to advise you that I have this 12th day of August, 1975, been served with a Notice of Appeal by the above named plaintiffs. These proceedings were held on 29th day of July, 1975.

I hereby certify that the attached documents are the ORIGINAL/TRUE COPIES of the proceedings which were held on the 29th day of July, 1975, and I am in receipt of $1347.00 which represents the Jury Award in this matter.

Rex Rouse

Rex Rouse, Sheriff

35

IN THE DISTRICT COURT OF THE STATE OF IOWA

IN AND FOR MADISON COUNTY

RECEIVED
8-12-75
MADISON CO
SHERIFF
WINTERSET, IOWA

MARJORIE B. JOHNSON : LAW NO. 21364

Plaintiff- Appellant :

vs. :

CITY OF WINTERSET, IOWA :

Defendant- Appellee : NOTICE OF APPEAL

TO . . . . . Said Defendant and to Rex Rouse, Sheriff of said County:

Each of you are hereby notified that the above-named plaintiff hereby appeals to the District Court aforesaid from the award made to Plaintiff by the Compensation Commission on July 29, 1975, as damages from the Defendant's taking of the following-described real estate, to-wit:

Commencing at a point 406 feet East of the Northwest corner of the South Half of the North Half of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) of Section Thirty-six (36), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, running thence South 25 feet, thence East 148 feet, thence North approximately 32½ feet to and including the fence that presently marks the North boundary line of the real estate belonging to the Condemnee, Marjorie B. Johnson, thence west along said fence line, including said fence, to a point approximately 7½ feet North of the point of beginning, thence South to the point of beginning.

Said appeal will come on for hearing before said Court which convenes and is held at Winterset, Iowa, as by law provided.

WEBSTER, JORDAN & OLIVER

By Lewis H. Jordan

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

ATTORNEYS FOR PLAINTIFF-APPELLANT

FILED NO. 1131
BOOK 111 PAGE 492
1975 AUG 19 PM 1:39
MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA

523

524

BBB

RETURN OF SERVICE — GOVERNMENTAL BODY

34

STATE OF IOWA, Madison County, ss.

The within Notice of Appeal came into my hands on the 12th day of August, 19 75 and on the 12th day of August, 19 75, 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 - - - $ 4.00

Copies - - - $

Mileage - - - $ 1.00

Total - - - $ 5.00

8/13-75 Dale Simmons by Blanche Kelly

Rex Rouse

Rex Rouse, Sheriff

of Madison County

By _____ Deputy.

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

OFFICERS RETURN OF SERVICE

BBB

STATE OF IOWA, Madison County, ss.

37

NOTICE OF APPEAL

The attached ~~notice with copy of Petition attached~~ received this 12th day of August, 19 75, and I certify that I served the same on the defendants named below by delivering a copy thereof to each of said defendants personally at the time and place set opposite their respective name.

Name of Defendants	Month	Day	Year	Township	County	State
Rex Rouse	August	12th	1975	Center	Madison	Iowa

Rex Rouse Sheriff

Madison County, Iowa

By _____, Deputy Sheriff

FEES

Service $_____

Copies $_____

Notary $_____

Mileage $_____

Total $_____

38

IN THE DISTRICT COURT OF THE STATE OF IOWA

IN AND FOR MADISON COUNTY

MARJORIE B. JOHNSON	:	LAW NO.
Plaintiff- Appellant	:	
vs.	:	
CITY OF WINTERSET, IOWA	:	
Defendant- Appellee	:	NOTICE OF APPEAL

TO . . . . . Said Defendant and to Rex Rouse, Sheriff of said County:

Each of you are hereby notified that the above-named plaintiff hereby appeals to the District Court aforesaid from the award made to Plaintiff by the Compensation Commission on July 29, 1975, as damages from the Defendant's taking of the following-described real estate, to-wit:

> Commencing at a point 406 feet East of the Northwest corner of the South Half of the North Half of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) of Section Thirty-six (36), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, running thence South 25 feet, thence East 148 feet, thence North approximately 32½ feet to and including the fence that presently marks the North boundary line of the real estate belonging to the Condemnee, Marjorie B. Johnson, thence west along said fence line, including said fence, to a point approximately 7½ feet North of the point of beginning, thence South to the point of beginning.

Said appeal will come on for hearing before said Court which convenes and is held at Winterset, Iowa, as by law provided.

WEBSTER, JORDAN & OLIVER

By _____

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

ATTORNEYS FOR PLAINTIFF-APPELLANT

ACCEPTANCE OF SERVICE

I, Rex Rouse, Sheriff of Madison County, Iowa, hereby accept service of the within and foregoing notice of appeal on this 12th day of August, 1975, and acknowledge receipt of a copy of said notice of appeal.

_____
Rex Rouse
Sheriff of Madison County

CITY OF WINTERSET, IOWA, FOR THE USE AND BENEFIT OF THE CITY OF WINTERSET, IOWA, IN THE EXTENSION AND IMPROVEMENT OF WEST BENTON STREET LOCATED IN THE CITY OF WINTERSET, IOWA.

MARJORIE B. JOHNSON

plaintiff-Appellant

vs.

CITY OF WINTERSET, IOWA

Defendant-Appellee

DEED REC. 111

526

Sheriff's filing of Record after receiving Notice of Appeal

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

This is to advise you that I have this 12th day of August, 1975, been served with a Notice of Appeal by the above named plaintiffs. These proceedings were held on 29th day of July, 1975,

I hereby certify that the attached documents are the ORIGINAL/TRUE COPIES of the Proceedings which were held on the 29th day of July, 1975, and I am in receipt of $1268.00 which represents the Jury Award in this matter.

Rex Rouse

Rex Rouse, Sheriff