FILED NO. 1645 786
BOOK 110 PAGE 786

1974 OCT -9 AM 11:51

MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA

Form 490

Fee
7050

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 "D"

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 ~~XXXXXXXXXXX~~ *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 23rd day of July, 1974.

IOWA STATE HIGHWAY COMMISSION

BY RICHARD C. TURNER
Attorney General of Iowa

BY Asher E. Schroeder
ASHER E. SCHROEDER
Special Assistant Attorney General and
Counsel to the Iowa State Highway Commission

Filed in duplicate in my office at Des Moines, Iowa, this 24 day of July, 1974.

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

ENTERED FOR TAXATION
THIS 9 DAY OF Oct 1974
AUDITORS FEE $ 1.00
George L. Abrahams
AUDITOR
Pat Leuzinger
DEPUTY AUDITOR

located in Madison County, Iowa

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

Group "D"

TO:

James F. Bussanmas, 121 E. Court, Winterset, Iowa
Phillip S. Bussanmas, 121 E. Court, Winterset, Iowa
City of Winterset, Iowa, c/o City Clerk, Winterset, Iowa
Madison County, Iowa, c/o County Auditor, Winterset, Iowa

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

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 NE Corner of said Sec. 36, thence N0°01'W 37.1 ft., thence N89°24'W 1937.2 ft. to Sta. 737+00, the Point of Beginning, thence continuing N89°24'W 700.0 ft. to Sta. 730+00.

Said parcel is described as follows: Bounded on the west by the east line of the West 50 Feet of the NW¼NE¼ of said Sec. 36; on the north by the north line of said NW¼NE¼; on the east by the east line of the West 700 Feet of said NW¼NE¼; on the south by the present southerly right of way line of the east-west local road which runs along the north line of said Sec. 36 and said right of way line extended; all of which is in the present established road right of way.

Note: The north line of the NE¼ of said Sec. 36 is assumed to bear East and West.

In connection with this condemnation proceeding it is specifically provided that no rights of direct access to and from Relocated Primary Road No. U.S. 169 shall inure to that portion of condemnees' remaining property abutting thereon, excepting and reserving to the condemnees the right of access at Sta. 730+00 and Sta. 737+00, both on the south side.

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

A parcel of land located in the NW¼NE¼ of said Sec. 36, lying on the east 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. 1730+24.3,

Continued on next sheet

a point on the centerline of Relocated Primary Road No. U.S. 169 located at Sta. 730+00, thence S5°08'E 149.6 ft. to Sta. 1728+74.7, thence southerly 299.5 ft. along a 3819.7 ft. radius curve, concave westerly and tangent to the preceding course, to Sta. 1725+75.2.

Said parcel is described as follows: Bounded on the north by the southerly line of the land sought in fee simple title; on the east by a line beginning at a point 60 ft. normally distant easterly of centerline (Side Road) on the southerly line of the land sought in fee simple title, thence to a point 45 ft. radially distant easterly of centerline on the south line of the $N\frac{1}{4}$ of said $NW\frac{1}{4}NE\frac{1}{4}$; on the south by the south line of said $N\frac{1}{4}$; on the west by the east line of the West 50 Feet of said $NW\frac{1}{4}NE\frac{1}{4}$.

Said parcel contains 0.1 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 70 ft. easterly of centerline of Side Road from Sta. 1727+25 to Sta. 1727+75.

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 137
11-71

IOWA STATE HIGHWAY COMMISSION

RIGHT OF WAY PLAT
EXHIBIT "A"

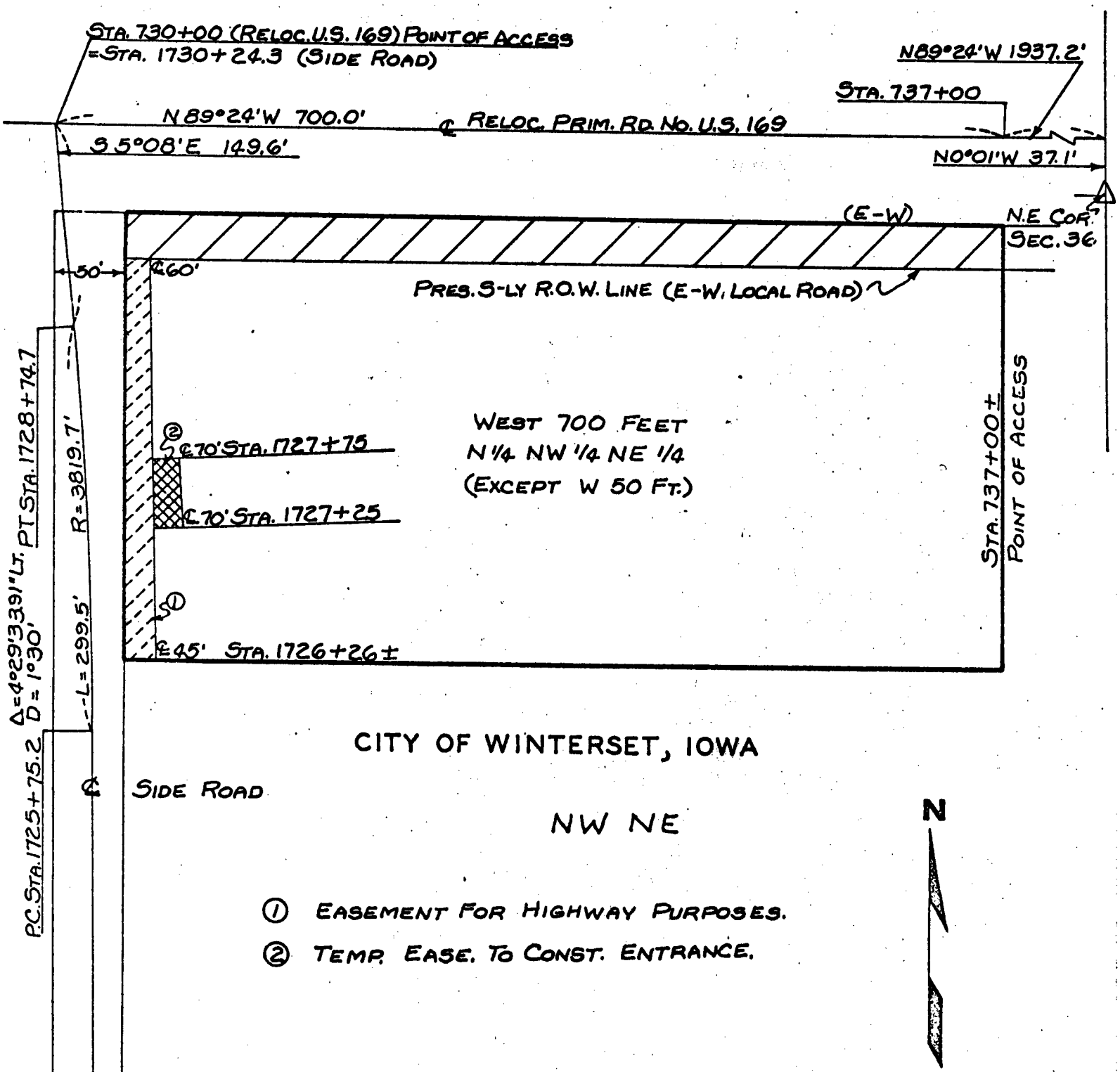
COUNTY MADISON STATE CONTROL NO. 10

PROJECT NO. FN-169-3(3)--21-61 PARCEL NO. 23A

SECTION 36 TOWNSHIP 76 N RANGE 28 W

ROW - FEE ____ AC, EASE 0.1 AC, EXCESS - FEE ____ AC

ACQUIRED FROM JAMES F. BUSSANMAS AND PHILLIP S. BUSSANMAS



DATE DRAWN ____ SCALE ____ FILMED ____

787

790 2

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

Form 492

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

SELECTION AND APPOINTMENT OF COMPENSATION COMMISSIONERS BY THE CHIEF JUDGE OF THE 5TH JUDICIAL DISTRICT

located in Madison County, Iowa

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

Group "D"

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
Dwight Mundell	Winterset	Licensed Real Estate Salesman or Broker
Sam Buck	Winterset Earlham	Licensed Real Estate Salesman or Broker
Gail Leeper	Winterset	Knowledgeable of Property Values by Virtue of Occupation
John Foster	Winterset	Knowledgeable of Property Values by Virtue of Occupation
Jack Hilton	Winterset	Other than Agricultural
Paul Griffith	Winterset	Other than Agricultural

I further designate, select, and appoint, the above named John Foster 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 24 day of July, 19 74.

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

Filed in my office at Winterset, Iowa, this 30 day of July, 19 74.

Rex Rouse
Sheriff of Madison County, Iowa

RECEIVED
8-14-74
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

3

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

Primary Road No.

Located in Madison County, Iowa

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

Group "D"

ORDER APPOINTING SUBSTITUTE COMPENSATION COMMISSIONER

NOW ON THIS 12 day of August, 1974, an Order Appointing Substitute Compensation Commissioner having been presented to me due to the inability of Gail Leeper, and his alternate Ernest Stowell, both having qualifications as being Knowledgeable, to serve as a compensation commissioner in the condemnation referenced above, it is ordered that the vacancy shall be filled by the following commissioner:

QUALIFICATIONS	NAME	ADDRESS
Knowledgeable	Irvin Martens	Winterset - Commissioner
"	John Foster	Winterset - Alternate

The Sheriff of Madison County, Iowa, shall notify the substitute commissioner in the same manner as the original commissioners were notified.

Dated at Des Moines, Iowa, this 12th day of August, 1974.

Robson A Holliday

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

Filed in my office at Winterset, Iowa, this 14 day of Aug, 1974.

Reg Ponse

Sheriff of Madison County, Iowa

FILED
8-14-74
9:10 AM
CLERK, 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.

Located in Madison County, Iowa

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

Group "D"

ORDER APPOINTING SUBSTITUTE COMPENSATION COMMISSIONER

NOW ON THIS 12 day of August, 19 74, an Order Appointing Substitute Compensation Commissioner having been presented to me due to the inability of Paul Griffith, and his alternate Clarence Johnson, both having qualifications as being Other than Agricultural, to serve as a compensation commissioner in the condemnation referenced above, it is ordered that the vacancy shall be filled by the following commissioner:

QUALIFICATIONS	NAME	ADDRESS
City Property Owners	Melvin Jones	Winterset - Commissioner
"	James Breeding	Winterset - Alternate

The Sheriff of Madison County, Iowa, shall notify the substitute commissioner in the same manner as the original commissioners were notified.

Dated at Des Moines, Iowa, this 12th day of August, 1974.

Robert A. Hallidey

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

Filed in my office at Winterset, Iowa, this 14 day of Aug, 1974.

Roy Ponse

Sheriff of Madison County, Iowa

Form 4935

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 "D"

RECEIVED
7-30-74
900 pm
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

SUMMONS TO COMMISSIONERS

TO: **Sam Buck, 805 Plum, Earlham**

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 **John Foster** 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 4th day of **September**, 19 **74**, at 9:30 o'clock a.m. (CDT) for the purpose of qualifying as such commission, and proceed to view said premises and make an award of damages as by law provided.

Rex Rouse
Sheriff of Madison County, Iowa

ACCEPTANCE OF SERVICE

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at Earlham, Iowa, this 31 day of July, 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.

Sam Buck

Filed in my office at Winterset, Iowa, this 1 day of Aug, 1974

Rex Rouse
Sheriff of Madison County, Iowa

REFUSAL TO SERVE

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

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

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

Form 493794

RECEIVED
1-30-74
9:00 pm
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

SUMMONS TO COMMISSIONERS

located in Madison County, Iowa

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

Group "D"

TO: **John Foster, 317 No. 4th Ave., Winterset**

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

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the 5th Judicial District for Madison County, Iowa, as a member of such compensation commission, and such selection and appointment has been duly filed in my office, and further, that **John Foster** 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 **4th** day of **September** ,19 **74**, at 9:30 o'clock a.m. (CDT) for the purpose of qualifying as such commission, and proceed to view said premises and make an award of damages as by law provided.

Rex Rouse

Rex Rouse
Sheriff of Madison County, Iowa

ACCEPTANCE OF SERVICE

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at , Iowa, this day of , 19 .
I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

PLEASE SIGN ORIGINAL SUMMONS AND RETURN PROMPTLY TO THE SHERIFF OF THE ABOVE NAMED COUNTY.

John W. Foster

Filed in my office at Winterset , Iowa, this 1 day of Aug , 1974.

Rex Rouse

Rex Rouse
Sheriff of Madison County, Iowa

REFUSAL TO SERVE

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

_____

Form 493

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

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 "D"

RECEIVED
1-30-74 9:00 PM
SHERIFF
WINTERSET, IOWA

SUMMONS TO COMMISSIONERS

TO: **Jack Hilton, 112 So. 8th Ave., Winterset**

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

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the 5th Judicial District for Madison County, Iowa, as a member of such compensation commission, and such selection and appointment has been duly filed in my office, and further, that **John Foster** 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 **4th** 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
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 1 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.

Jack Hilton

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

Rex Rouse
Rex Rouse
Sheriff of Madison County, Iowa

REFUSAL TO SERVE

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

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Form 493

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

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 "D"

RECEIVED
7-30-74 4:00 pm
SHERIFF
WINTERSET, IOWA

SUMMONS TO COMMISSIONERS

TO: Dwight Mundell, 720 No. 3rd, Winterset

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

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the 5th Judicial District for Madison County, Iowa, as a member of such compensation commission, and such selection and appointment has been duly filed in my office, and further, that John Foster 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 4th day of September, 19 74, at 9:30 o'clock a.m. (CDT) for the purpose of qualifying as such commission, and proceed to view said premises and make an award of damages as by law provided.

Rex Rouse

Rex Rouse
Sheriff of Madison County, Iowa

ACCEPTANCE OF SERVICE

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at , Iowa, this day of , 19 .
I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

PLEASE SIGN ORIGINAL SUMMONS AND RETURN PROMPTLY TO THE SHERIFF OF THE ABOVE NAMED COUNTY.

Dwight Mundell

Filed in my office at Winterset, Iowa, this 1 day of Aug, 1974

Rex Rouse

Rex Rouse
Sheriff of Madison County, Iowa

REFUSAL TO SERVE

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

_____

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

Primary Road No. 169

Form 493

RECEIVED
8-14-74
9:10 AM

SUMMONS TO COMMISSIONERS

located in Madison County, Iowa

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

Group "D"

TO: Mr. Melvin Jones, 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 John Foster 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 4th 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

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 16 day of Aug. , 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.

M. H. Jones

Filed in my office at Winterset , Iowa, this 16 day of Aug. , 1974.

Rex Rouse

Sheriff of Madison County, Iowa

REFUSAL TO SERVE

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

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797

798

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. 169

RECEIVED
8-14-74
9:10
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

Form 493

SUMMONS TO COMMISSIONERS

located in Madison County, Iowa

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

Group D

TO: Irvin Martens, R R # 2, Winterset, Iowa

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

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the 5th Judicial District for Madison County, Iowa, as a member of such compensation commission, and such selection and appointment has been duly filed in my office, and further, that John Foster 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 4th 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 16 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.

Irvin R. Martens

Filed in my office at Winterset, Iowa, this 19 day of Aug, 1974.

Rex Rouse

Sheriff of Madison County, Iowa

REFUSAL TO SERVE

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

_____

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

Form 494

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 "D"

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.

Name:
Licensed Real Estate Salesman or Broker

Name:
Licensed Real Estate Salesman or Broker

Name:
Knowledgeable of Property Values by Virtue of Occupation

Name:
Knowledgeable of Property Values by Virtue of Occupation

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

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

Subscribed and sworn to before me this 4th day of September, 1974.

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

Filed in my office at Winterset, Iowa, this 4th day of Sept., 1974.

Rex Rouse
Sheriff of Madison County, Iowa

STATE OF IOWA
MADISON COUNTY
I hereby certify that I have this 4th day of Sept 1974, read aloud the "WRITTEN INSTRUCTIONS FOR MEMBERS OF THE COMPENSATION COMMISSION" submitted to me for this purpose by the Chief Justice of the Iowa Supreme Court. (Senate File 1171 - 62re GA 2nd Session)

Rex Rouse Sheriff
Rex Rouse

799

8057

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

Form 495, Sheet 1

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

Winterset

located in Madison County, Iowa

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

Group "D"

NOTICE

RECEIVED
7-30-74
9:00
MADISON CO. IOWA
SHERIFF
WINTERSET, IOWA

TO:

James F. Bussanmas, 121 E. Court, Winterset, Iowa
Phillip S. Bussanmas, 121 E. Court, Winterset, Iowa
City of Winterset, Iowa, c/o City Clerk, Winterset, Iowa
Madison County, Iowa, c/o County Auditor, Winterset, Iowa

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

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 NE Corner of said Sec. 36, thence N0°01'W 37.1 ft., thence N89°24'W 1937.2 ft. to Sta. 737+00, the Point of Beginning, thence continuing N89°24'W 700.0 ft. to Sta. 730+00.

Said parcel is described as follows: Bounded on the west by the east line of the West 50 Feet of the NW¼NE¼ of said Sec. 36; on the north by the north line of said NW¼NE¼; on the east by the east line of the West 700 Feet of said NW¼NE¼; on the south by the present southerly right of way line of the east-west local road which runs along the north line of said Sec. 36 and said right of way line extended; all of which is in the present established road right of way.

Note: The north line of the NE¼ of said Sec. 36 is assumed to bear East and West.

In connection with this condemnation proceeding it is specifically provided that no rights of direct access to and from Relocated Primary Road No. U.S. 169 shall inure to that portion of condemnees' remaining property abutting thereon, excepting and reserving to the condemnees the right of access at Sta. 730+00 and Sta. 737+00, both on the south side.

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

A parcel of land located in the NW¼NE¼ of said Sec. 36, lying on the east 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. 1730+24.3,

a point on the centerline of Relocated Primary Road No. U.S. 169 located at Sta. 730+00, thence S5°08'E 149.6 ft. to Sta. 1728+74.7, thence southerly 299.5 ft. along a 3819.7 ft. radius curve, concave westerly and tangent to the preceding course, to Sta. 1725+75.2.

Said parcel is described as follows: Bounded on the north by the southerly line of the land sought in fee simple title; on the east by a line beginning at a point 60 ft. normally distant easterly of centerline (Side Road) on the southerly line of the land sought in fee simple title, thence to a point 45 ft. radially distant easterly of centerline on the south line of the $N\frac{1}{4}$ of said $NW\frac{1}{4}NE\frac{1}{4}$; on the south by the south line of said $N\frac{1}{4}$; on the west by the east line of the West 50 Feet of said $NW\frac{1}{4}NE\frac{1}{4}$.

Said parcel contains 0.1 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 70 ft. easterly of centerline of Side Road from Sta. 1727+25 to Sta. 1727+75.

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 4th day of September, 1974, at 10:00 o'clock, a. m. (CDT) view the real estate described above and proceed to appraise said damages at which time you may appear before said commission if you care so to do.

IOWA STATE HIGHWAY COMMISSION

BY RICHARD C. TURNER
Attorney General of Iowa

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

- - - - - - - - - - - -

ACCEPTANCE OF SERVICE

Service of the above and foregoing notice is hereby accepted and receipt of a copy thereof acknowledged, and I hereby waive time of service and/or any publications of such notice in a newspaper.

Dated at _____ this _____ day of _____, 19_____.

_____

State of Iowa, County, ss:

Received the within notice the 30th day of July, 19 74, and I hereby certify that I have served to each of said persons named below, by delivering a true copy of the same to each of said persons at the time and place set opposite their respective names:

Name	Month	Day	Year	Township, City or Town	County	State
James F.Bussanmas	August	12th	1974	Center	Madison	Iowa
Phillip S. Bussanmas	August	5th	1974	Center	Madison	Iowa

Fees:
Service $ 2.25
Mileage $_____
Total $

Rex Rouse
Rex Rouse
Sheriff, Madison County, Iowa

By._____Deputy

BBB

RETURN OF SERVICE — GOVERNMENTAL BODY

STATE OF IOWA, Madison County, ss.

The within Notice came into my hands on the 30th day of July, 1974 and on the 5th day of August, 1974, I served the same upon the Madison County, Iowa

by offering to read the same to George Abrahams, he being the Auditor

of said Governmental Body, which he waived, and by giving him a true copy thereof, all done in Center Township, Madison County, Iowa.

FEES

Service - - - $_____

Copies - - - $_____

Mileage - - - $_____

Total - - - $_____

Rex Rouse, Sheriff

of _____ County

By _____ Deputy.

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

BBB

RETURN OF SERVICE — GOVERNMENTAL BODY

STATE OF IOWA, Madison County, ss.

The within Notice came into my hands on the 30th day of July, 19____ and on the 5th 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 - - - $_____

Copies - - - $_____

Mileage - - - $_____

Total - - - $_____

Rex Rouse, Sheriff

of Madison County

By _____ Deputy.

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

804

Form 137
11-71

IOWA STATE HIGHWAY COMMISSION

RIGHT OF WAY PLAT
EXHIBIT "A"

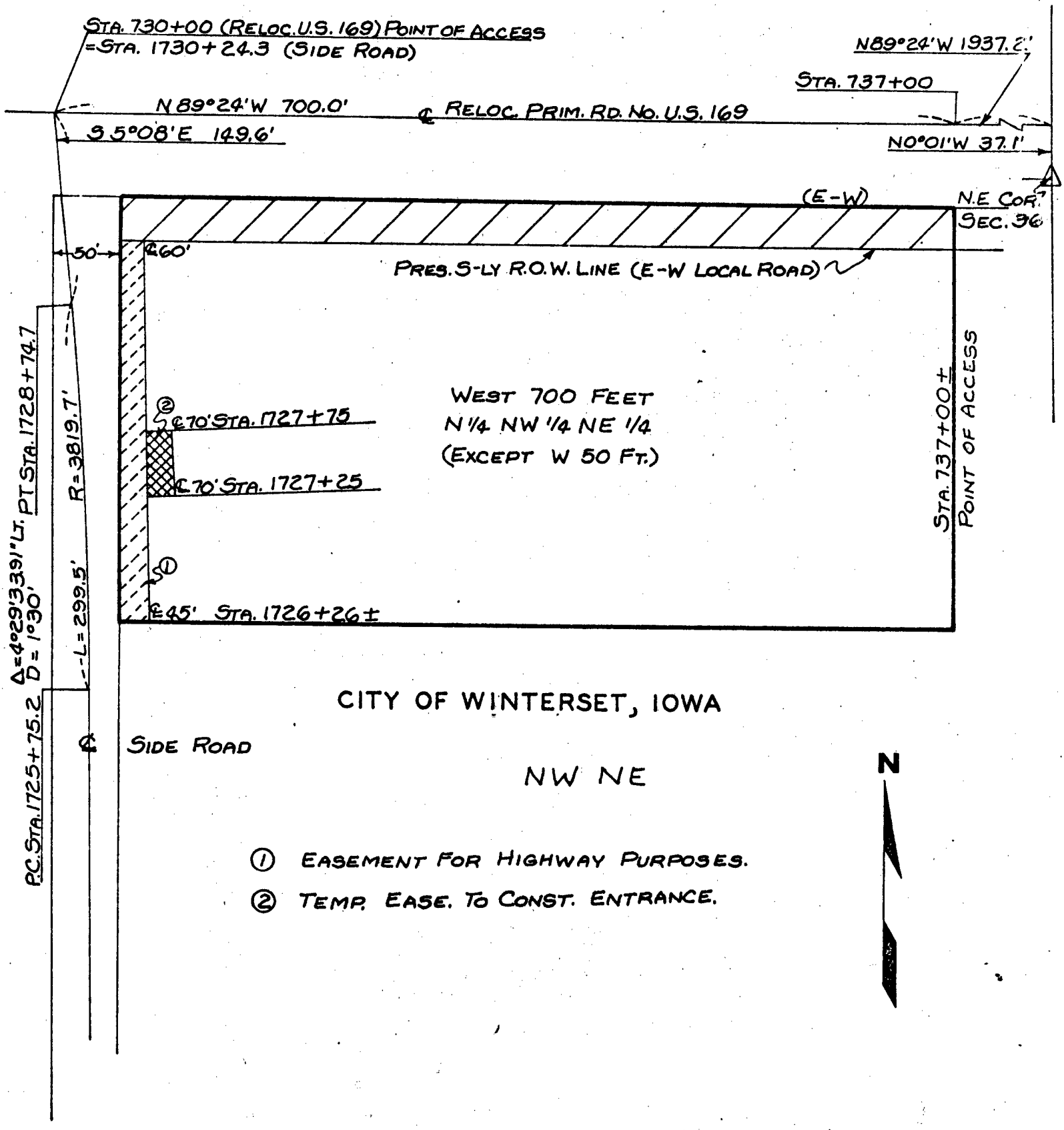
COUNTY MADISON STATE CONTROL NO. 10

PROJECT NO. FN-169-3(3)--21-61 PARCEL NO. 23A

SECTION 36 TOWNSHIP 76N RANGE 28W

ROW - FEE ____ AC, EASE 0.1 AC, EXCESS - FEE ____ AC

ACQUIRED FROM JAMES F. BUSSANMAS AND PHILLIP S. BUSSANMAS



DATE DRAWN ____ SCALE ____ FILMED ____

3350-28

Form 130
6-70

8

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

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 "D"

On this the 4th 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) $ 1050.00

PARCEL 23A -
James F. Bussanmas

Phillip S. Bussanmas

City Clerk of Winterset

Madison County Treasurer

IOWA STATE HIGHWAY COMMISSION

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

Subscribed and sworn to before me this 4th day of September, 1974.

SEAL — THE DISTRICT COURT — MADISON COUNTY — IOWA

Clerk of Court

Margaret N. Keeler
Notary Public in and for ~~State~~ Madison County, Iowa

Filed in my office at Winterset, Iowa, this 4th day of September, 1974.

Rep Ross
Sheriff of Madison County, Iowa

805

8069

Form 496
17-71

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

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 "D"

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 23A	$	$	$	$
James F. Bussanmas;	$	$	$ 100.00	$
Phillip S. Bussanmas; City Clerk of Winterset; Madison County Treasurer	$	$	$	$
PARCEL 24	$	$	$	$
Maurice D. Mitchell, City Clerk of Winterset, Madison County Treasurer	$	$	$ 25.00	$
	$	$	$	$
	$	$	$	$
PARCEL 25	$	$	$	$
Leonard D. & Anna Hart Whalen; Union State Bank; City Clerk of Winterset; and Madison County Treasurer.	$	$	$ 6,500.00	$
	$	$	$	$

Respectfully reported at Winterset, Iowa, this 4 day of September, 1974

Jack Hilton

W. H. Jones

Wm. H. Mitchell

John W. Foster

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 4th 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 "D"

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 4th 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.

Roy Rouse

SHERIFF OF MADISON COUNTY, IOWA

80811

Form 486
7-71

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

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 "D"

Parcel No. 23A

NOTICE OF APPRAISEMENT OF DAMAGES AND TIME FOR APPEAL

TO:

	Land & Improvements	Consequential Damages	Total Award	Condemnees' Atty. Fees and Costs
James F. Bussanmas	$	$	$ 800.00	$
Phillip S. Bussanmas	$	$	$	$
City Clerk of Winterset	$	$	$	$
Madison County Treasurer	$	$	$	$
	$	$	$	$
	$	$	$	$

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: 4th Day of Sept., 1974

Rex Reese

SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF CERTAIN REAL ESTATE FOR PRIMARY ROAD PURPOSES BY THE STATE HIGHWAY COMMISSION OF THE STATE OF IOWA.

IN Madison COUNTY

PROJECT NO. FN-169-3(3)-21-61-D

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 4th day of September, 1974, and thereupon proceeded to view the premises and said commissioners did thereafter on the 4th day of September, 1974, file their report in my office awarding damages as follows:

NAME	AMOUNT
Parcel 23A	$ 800.00
James F. Bussanmas Phillip S. Bussanmas	
City Clerk of Winterset	
Madison County Treasurer	
Parcel 24	
Maurice D. Mitchell	25.00
City Clerk of Winterset	
Madison County Treasurer	
Parcel 25	
Leonard D. & Anna Hart ~~Walen~~ Whalen	6500.00
Union State Bank	
City clerk of Winterset	
~~Madxix~~ and Madison County Treasurer	
TOTAL DAMAGES AWARDED	$ 7325.00

I further certify that costs incident to this proceeding have been taxed as follows: Serving Notices as listed below:

Date:	Name of Persons Served	Fee	Mileage	Rate .~~10~~.15	Amount	Total
8-12-74	James F. Bussanmas	.75				.75
8-5-74	Phillip S. Bussanmas	.50				.50
8-5-74	City of Winterset	.50				.50
8-5-74	Madison County, Iowa	.50				.50
8-12-74	Maurice D. Mitchell	.75				.75
8-5-74	City of Winterset	.50				.50
8-5-74	Madison County, Iowa	.50				.50
8-6-74	Union State Bank	.75				.75
8-5-74	City of Winterset	.50				.50
8-5-74	Madison County, Iowa	.50				.50
	Copy					1.50
			15			1.50
	Postage					2.40

Sheriff, Summoning and attending commissioners $7.50
1.50

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

$ 20.15

809

John W. Foster of Winterset, Iowa

one	day service	$ 50.00
10	miles at ~~.10~~ .15	1.50
one	meals	1.91
Lodging	Hotel	
	Total	$ 53.41

Dwight Mundell of Winterset, Iowa

one	day service	$ 50.00
10	miles at ~~.10~~ .15	1.50
none	meals	
Lodging	Hotel	~~XXXX~~
	Total	$ 51.50

G. S. Buck of 905 Plum , Earlham, Iowa

one	day service	$ 50.00
50	miles at ~~.10~~ .15	6.00
one	meals	1.91
Lodging	Hotel	
	Total	~~57~~.91 $

Irvin W. Martens of Winterset, Iowa

one	day service	$ 50.00
22	miles at ~~.10~~ .15	3.30
one	meals	1.91
Lodging	Hotel	
	Total	$ 55.21

M. H. Jones of Winterset, Iowa

one	day service	$ 50.00
10	miles at ~~.10~~ .15	1.50
one	meals	1.91
Lodging	Hotel	
	Total	$ 53.41

Jack Hilton of Winterset, Iowa

one	day service	$ 50.00
10	miles at ~~.10~~ .15	1.50
one	meals	1.49
Lodging	Hotel	
	Total	$ 52.99

Grand total Commissioners and Sheriff's Expense $344.58

Given under my hand this 4th day of September, 1974.

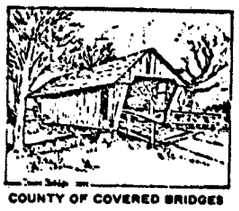
Rex Rouse
Sheriff of Madison County, Iowa

I certify that the foregoing amounts are legally payable to each claimant and that the claim is correct and just and that payment has not been received. I further certify that this file contains all the original papers pertaining thereto.

Dated this 4th day of September, 1974.

Rex Rouse
Sheriff of Madison County

14



OFFICE OF

Sheriff of Madison County

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

TELEPHONE
DAY OR NIGHT
462 - 3575
AREA CODE 515

Sept. 24, 1974

TO: James F. Bussanmas; Phillip S. Bussanmas; City of Winterset; Madison County Treasurer.

Sirs:

This is to advise you that there has been deposited with me Check # 03139043 in the amount of $800.00. This check represents the amount of the Condemnation Conpensation Commission award made on Sept. 4, 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

811

812
15

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 "D"

JAMES F. BUSSANMAS and

PHILLIP S. BUSSANMAS,

Plaintiffs,

vs.

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

CITY OF WINTERSET and

MADISON COUNTY, IOWA,

Defendants.

Sheriff's filing of Record after receiving Notice of Appeal

(Parcel 23A)

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

This is to advise you that I have this 17th day of September, 1974, been served with a Notice of Appeal by the above named plaintiffs, These proceedings were held on the 4th day of September, 1974.

I hereby certify that the attached documents are the ORIGINAL/TRUE COPIES of the Proceedings which were held on the 4th day of September, 1974, and I am not yet in receipt of $800.00 which represents the Jury Award in this matter.

Rep Ponse Sheriff

16

IN THE DISTRICT COURT OF THE STATE OF IOWA

IN AND FOR MADISON COUNTY

RECEIVED
9-17-74
3:25 pm
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

JAMES F. BUSSANMAS and	:	LAW NO._____
PHILLIP S. BUSSANMAS,	:	
Plaintiffs,	:	
vs.	:	
IOWA STATE HIGHWAY COMMISSION, for the use and benefit of the State of Iowa,	:	
CITY OF WINTERSET and	:	
MADISON COUNTY, IOWA,	:	NOTICE OF APPEAL TO THE DISTRICT COURT OF IOWA, IN AND FOR MADISON COUNTY.
Defendants.	:	

TO.....IOWA STATE HIGHWAY COMMISSION, for the use and benefit of the State of Iowa;
CITY OF WINTERSET, IOWA;
MADISON COUNTY, IOWA; and
REX ROUSE, Sheriff of Madison County, Iowa.

YOU, AND EACH OF YOU, are hereby notified that the above-named plaintiffs hereby appeal to the District Court aforesaid from the award made to the plaintiffs by the Condemnation Commission on the 4th day of September, 1974, as damages as a result of the condemnation and taking by right of eminent domain for highway purposes by the defendant, Iowa State Highway Commission, for the use and benefit of the State of Iowa, of the following described real estate, to-wit:

The title in fee simple of the following described real estate, to-wit:

Bounded on the west by the east line of the West 50 Feet of the NW¼NE¼ of said Sec. 36; on the north by the north line of said NW¼NE¼; on the east by the east line of the West 700 Feet of said NW¼NE¼; on the south by the present southerly right of way line of the east-west local road which runs along the north line of said Sec. 36 and said right of way line extended; all of which is in the present established road right of way.

Note: The north line of the NE¼ of said Sec. 36 is assumed to bear East and West.

In connection with this condemnation proceeding it is specifically provided that no rights of direct access to and from Relocated Primary Road No. U.S. 169 shall inure to that portion of condemnees' remaining property abutting thereon, excepting and reserving to the condemnees the right of access at Sta. 730+00 and Sta. 737+00, both on the south side.

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

A parcel of land located in the NW¼NE¼ of said Sec. 36, lying on the east 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. 1730+24.3, a point on the centerline of Relocated Primary Road No. U.S. 169 located at Sta. 730+00, thence S5°08'E 149.6 ft. to Sta. 1728+74.7 thence southerly 299.5 ft. along a 3819.7 ft. radius curve, concave westerly and tangent to the preceding course, to Sta. 1725+75.2.

Said parcel is described as follows: Bounded on the north by the southerly line of the land sought in fee simple title; on the east by a line beginning at a point 60 ft. normally distant easterly of centerline (Side Road) on the southerly line of the land sought in fee simple title, thence to a point 45 ft. radially distant easterly of centerline on the south line of the N½ of said NW¼NE¼; on the south by the south line of said N½; on the west by the east line of the West 50 Feet of said NW¼NE¼.

Said parcel contains 0.1 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 70 ft. easterly of centerline of Side Road from Sta. 1727+25 to Sta. 1727+75.

3. The temporary easement rights of the State of Iowa shall terminate immediately upon com-

pletion of the operations for which said rights are sought and in no event later than December 31, 1979.

All as described and referred in the notice of condemnation and assessment served upon the plaintiffs in said matter.

YOU ARE FURTHER NOTIFIED that said appeal will come on for hearing before said Court, which convenes and is held at Winterset, in Madison County, Iowa, as by law provided.

WEBSTER, JORDAN & OLIVER

By Lewis H. Jordan

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

ATTORNEYS FOR THE PLAINTIFFS.

ACKNOWLEDGMENT OF SERVICE

I, Rex Rouse Sheriff of Madison County, Iowa hereby acknowledge service of the within and foregoing notice of appeal dated at Winterset, Iowa this 17th day of September, 1974.

Rex Rouse

Rex Rouse, Sheriff of Madison County, Iowa

8166

SEP 8 74

17

FILED

1974 SEP 25 PM 12:19

MARGARET [illegible]
CLERK OF DISTRICT COURT
MADISON COUNTY, IOWA

IN THE DISTRICT COURT OF THE STATE OF IOWA

IN AND FOR MADISON COUNTY

JAMES F. BUSSANMAS and	:	LAW NO. I/263
PHILLIP S. BUSSANMAS,	:	
Plaintiffs,	:	
vs.	:	
IOWA STATE HIGHWAY COMMISSION, for the use and benefit of the State of Iowa,	:	
CITY OF WINTERSET and	:	
MADISON COUNTY, IOWA,	:	NOTICE OF APPEAL TO THE DISTRICT COURT OF IOWA, IN AND FOR MADISON COUNTY.
Defendants.	:	

TO.....IOWA STATE HIGHWAY COMMISSION, for the use and benefit of the State of Iowa;
CITY OF WINTERSET, IOWA;
MADISON COUNTY, IOWA; and
REX ROUSE, Sheriff of Madison County, Iowa.

YOU, AND EACH OF YOU, are hereby notified that the above-named plaintiffs hereby appeal to the District Court aforesaid from the award made to the plaintiffs by the Condemnation Commission on the 4th day of September, 1974, as damages as a result of the condemnation and taking by right of eminent domain for highway purposes by the defendant, Iowa State Highway Commission, for the use and benefit of the State of Iowa, of the following described real estate, to-wit:

The title in fee simple of the following described real estate, to-wit:

Bounded on the west by the east line of the West 50 Feet of the NW¼NE¼ of said Sec. 36; on the north by the north line of said NW¼NE¼; on the east by the east line of the West 700 Feet of said NW¼NE¼; on the south by the present southerly right of way line of the east-west local road which runs along the north line of said Sec. 36 and said right of way line extended; all of which is in the present established road right of way.

Note: The north line of the NE¼ of said Sec. 36 is assumed to bear East and West.

In connection with this condemnation proceeding it is specifically provided that no rights of direct access to and from Relocated Primary Road No. U.S. 169 shall inure to that portion of condemnees' remaining property abutting thereon, excepting and reserving to the condemnees the right of access at Sta. 730+00 and Sta. 737+00, both on the south side.

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Said parcel contains 0.1 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 70 ft. easterly of centerline of Side Road from Sta. 1727+25 to Sta. 1727+75.

3. The temporary easement rights of the State of Iowa shall terminate immediately upon com-

pletion of the operations for which said rights are sought and in no event later than December 31, 1979.

All as described and referred in the notice of condemnation and assessment served upon the plaintiffs in said matter.

YOU ARE FURTHER NOTIFIED that said appeal will come on for hearing before said Court, which convenes and is held at Winterset, in Madison County, Iowa, as by law provided.

WEBSTER, JORDAN & OLIVER

By Lewis H. Jordan

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

ATTORNEYS FOR THE PLAINTIFFS.

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ACKNOWLEDGMENT OF SERVICE

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

Dated at Ames, Iowa this 19 day of September, 1974.

IOWA STATE HIGHWAY COMMISSION

by Asher E. Schroeder

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

Ames, Iowa 50010

For Judgment see
Deed Rec 111-422
filed 5-12-1975