Project No. FN=169=3(3 =21=61
Group "F" (Parcel 21)

10-1-74 kh

13

FILED
1974 OCT -7 PM 4:55
CLERK OF DISTRICT COURT
MADISON COUNTY, IOWA

IN THE DISTRICT COURT OF THE STATE OF IOWA

IN AND FOR MADISON COUNTY

: - : - :

VIRGINIA BUSCH HAMPTON,	:	LAW NO. 21273
KENNETH WAYNE BUSCH, and	:	
CARROL WILLIAM BUSCH,	:	
Plaintiffs,	:	
vs.	:	
IOWA STATE HIGHWAY COMMISSION, for the use and benefit of the State of Iowa,	:	
CITY OF WINTERSET, IOWA, and	:	NOTICE OF APPEAL TO THE DISTRICT COURT OF IOWA, IN AND FOR MADISON COUNTY.
MADISON COUNTY, IOWA,	:	
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 do hereby appeal to the District Court of the State of Iowa in and for Madison County from the award made to the Plaintiffs by the Condemnation Commission on the 10th 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:

For original condemnation
Appeal Fee 10-1-74

FILED NO. 2779
BOOK 111 PAGE 614
1976 MAY 24 PM 2:10
MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
Fee # 1850

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

Two parcels of land located in the NW¼ of Sec. 36, T76N,R28W of the 5th P.M., lying partially 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 N¼ Corner of Sec. 35, T76N, R28W, thence East 248.2 ft. along the north line of the NE¼ of said Sec. 35, thence N1°56'E 135.0 ft., thence S89°01'E 2380.2 ft. to Sta. 703+64.0, The Point of Beginning, thence continuing S89°01'E 2636.0 ft. to Sta. 730+00. Also, beginning at said Sta. 703+64.0, thence westerly 130.0 ft. along a 250.0 ft. spiral curve, concave southerly and tangent at Sta. 703+64.0 to a line bearing N89°01'W, having a long tangent of 166.7 ft., a short tangent of 83.3 ft. and a deflection angle of 3°04½' to Sta. 702+34.0.

Said parcels are described as follows:

A parcel bounded on the northeast and east by the westerly right of way line of the Chicago, Rock Island and Pacific Railroad Company; on the west by the west line of the NW¼ of said Sec. 36; on the south by a line beginning at a point 230 ft. radially distant southerly of centerline on the west line of said NW¼, thence to a point 300 ft. normally distant southerly of centerline on said westerly railroad right of way line.

Also, a parcel bounded on the southwest, northwest and west by the easterly right of way line of the Chicago, Rock Island and Pacific Railroad Company; on the north by the north line of the NW¼ of said Sec. 36; on the east by the east line of said NW¼; on the south by a line beginning at a point 230 ft. normally distant southerly of centerline on said easterly railroad right of way line, thence to a point 125 ft. normally distant southerly from Sta. 708+00, thence to a point 165 ft. normally distant southerly from Sta. 714+00; thence to a point 150 ft. normally distant southerly from Sta. 725+00, thence to a point 110 ft. normally distant southerly of centerline on the east line of the NW¼ of said Sec. 36.

Said parcels contain 2.4 acres, more or less, exclusive of the present established roads.

Note: The north line of the NE¼ of said Sec. 35 is assumed to bear East and West.

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

Two parcels of land located in the NW¼ of said Sec. 36, one lying on the east side of part of the following described centerline of the Side Road on the west line of said NW¼, and the other lying on the west side of part of the following described centerline of the Local Road on the east line of said NW¼, as shown on said Plat Exhibit "A".

The centerline of the Side Road, designated by station points 100 feet apart, numbered consecutively from south to north, is described as follows: Beginning at Sta. 1702+34.0 a point on the centerline of Relocated Primary Road No. U.S. 169 located at Sta. 702+34.0, thence S14°46'E 237.1 ft. to Sta. 1699+96.9, thence southerly 546.7 ft. along a 2291.8 ft. radius curve, concave westerly and tangent to the preceding and following courses, to Sta. 1694+50.2, thence S1°06'E 200.2 ft. to Sta. 1692+50.0.

The centerline of the Local 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 S4°45'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 and following courses, to Sta. 1725+75.2, thence S0°15½'E 125.2 ft. to Sta. 1724+50.

Said parcels are described as follows:

A parcel bounded on the west by the present easterly right of way line of the Side Road; on the west by a line beginning at a point normally distant easterly from Sta. 1692+50.0 on said easterly right of way line, thence to a point 75 ft. normally distant easterly from Sta. 1694+00, thence to a point radially distant easterly of centerline at the intersection of said easterly right of way line and the southwesterly line of the land sought in fee simple title.

Also, a parcel bounded on the east by the east line of the NW¼ of said Sec. 36; on the north by the southerly line of the land sought in fee simple title; on the west by a line beginning at a point normally distant westerly from Sta. 1724+50 on the east line of said NW¼, thence to a point 45 ft. radially distant westerly from Sta. 1726+00, thence to a point 55 ft. normally distant westerly of centerline on said southerly line of the land sought in fee simple title.

Said parcels contain 0.6 acre, more or less.

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

1. No rights of direct access, to and from Relocated Primary Road No. U.S. 169, shall inure to that portion of the condemnees' remaining property abutting thereon, excepting and reserving to the condemnees the right of access at Sta. 702+34, Sta. 713+00, Sta. 724+00, and Sta. 730+00, all on the south side.

2. The State of Iowa shall have a right of temporary easement, for the specific purpose of constructing an entrance, to a maximum distance of 70 ft. westerly of the centerline of the Local Road from Sta. 1727+25 to Sta. 1727+75.

3. 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.

4. Any 1974 crops growing on the land sought to be appropriated are reserved to the condemnees until January 15, 1975. Any crops not removed by said date shall become the property of the State of Iowa to dispose of as is deemed fitting.

5. Any field tile lines, or outlets, which are located within the land being acquired under this proceeding, in any estate, and are damaged or destroyed by highway construction, shall be relocated, replaced or restored by the condemnor outside of said land being acquired under this proceeding, and at no expense to the condemnees, and the State of Iowa shall have a right of temporary easement as necessary over condemnees' remaining property for the specific purpose of effecting such relocation, replacement or restoration.

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

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

YOU AND EACH OF 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.

GORDON K. DARLING

CHET R. CHICKERING

By Gordon K Darling

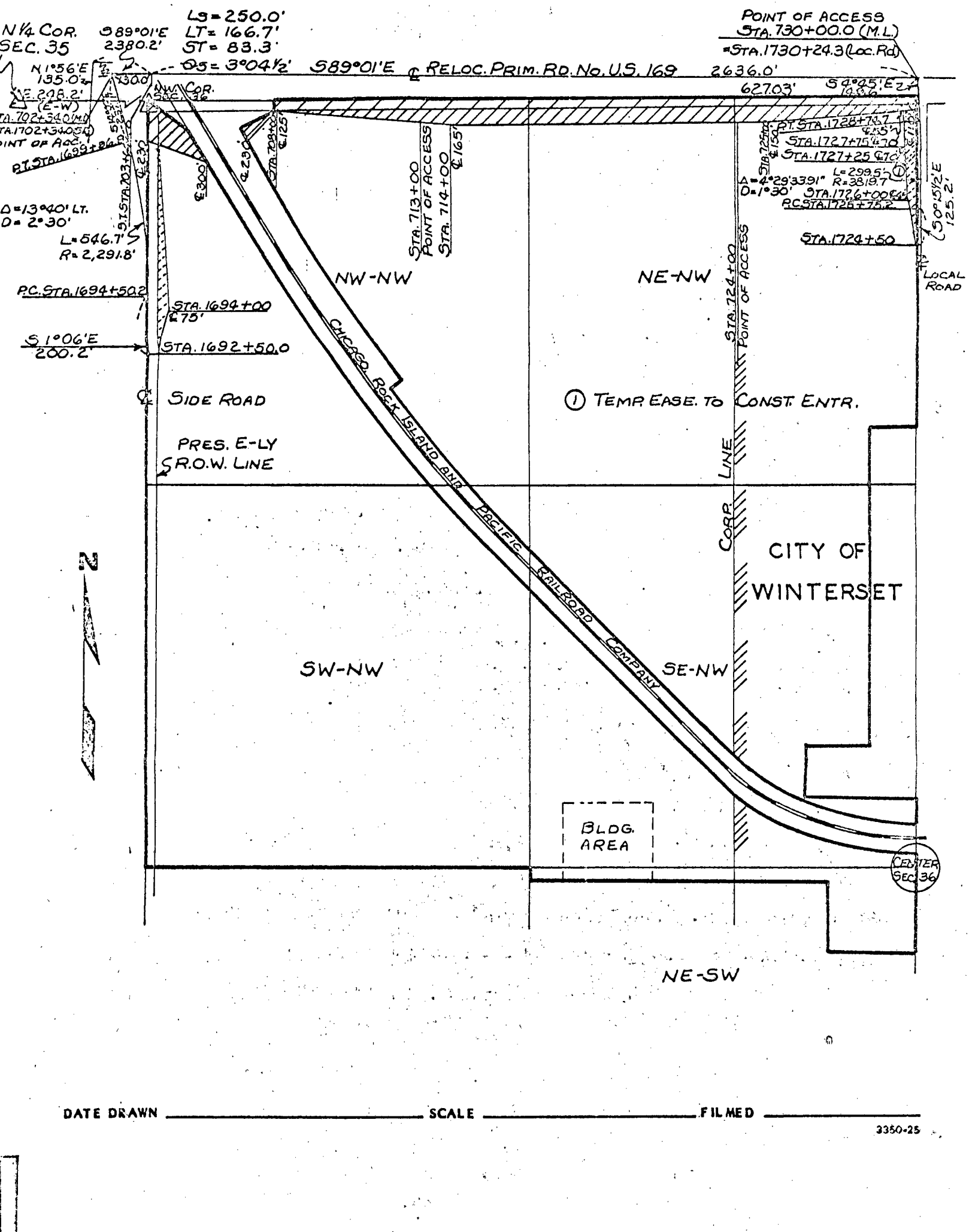
53 Jefferson Street
Winterset, Iowa 50273
Telephone 462-2442
Attorneys for Plaintiffs.

Form 137
11-71

IOWA STATE HIGHWAY COMMISSION

RIGHT OF WAY PLAT
EXHIBIT "A"

COUNTY MADISON STATE CONTROL NO. 10
PROJECT NO. FN-169-3(3)--21-61 PARCEL NO. 21
SECTION 36 TOWNSHIP 76 N RANGE 28 W
ROW - FEE 2.4 AC, EASE 0.6 AC, EXCESS - FEE ——— AC
ACQUIRED FROM VIRGINIA BUSCH HAMPTON ET AL



DATE DRAWN _____ SCALE _____ FILMED _____

3350-25

ACKNOWLEDGMENT OF SERVICE

Iowa State Highway Commission, for the use and benefit of the State of Iowa, hereby acknowledges service of the within and foregoing notice of appeal.

Dated at Ames, Iowa this 4th day of October, 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

ACKNOWLEDGMENT OF SERVICE

I hereby acknowledge service of the within and foregoing notice of appeal dated at Winterset, Iowa this 7 day of October, 1974.

MADISON COUNTY, IOWA

By George F. Abrahams
George Abrahams, Madison County Auditor

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 7th day of October, 1974.

Rex Rouse
Rex Rouse, Sheriff of Madison County, Iowa

ACKNOWLEDGMENT OF SERVICE

I hereby acknowledge service of the within and foregoing notice of appeal dated in Winterset, Iowa this 7th day of October, 1974.

CITY OF WINTERSET, IOWA

By O. D. Simmons
O. D. Simmons
Clerk of the City of Winterset

9RW560

IN THE DISTRICT COURT OF THE STATE OF IOWA

IN AND FOR MADISON COUNTY

FILED
1975 APR -2 PM 4:33

VIRGINIA BUSCH HAMPTON, KENNETH WAYNE BUSCH, and CARROL WILLIAM BUSCH, Plaintiffs,	)	LAW NO. 21273
v.	)	
IOWA STATE HIGHWAY COMMISSION, for the use and benefit of the State of Iowa, Defendant.	)	ORDER CONFIRMING VERDICT

BE IT REMEMBERED that the above-entitled matter, being an appeal from the award of a compensation commission, came on for trial before the court sitting with a jury; said trial having commenced on March 25, 1975, all parties appearing by counsel of record and said cause having been submitted to the jury for their determination thereafter on March 27, 1975; said jury did return its verdict on March 28, 1975, assessing the damages as a result of the condemnation in the amount of Nine thousand Dollars ($9,000.00); and said amount is ascertained as Plaintiffs' damages and such amount is hereby entered of record.

It is therefore determined and ascertained that the Plaintiffs' damages as a result of the condemnation herein are in the sum of Nine thousand Dollars ($9,000.00).

BE IT FURTHER REMEMBERED that on September 10, 1974, the compensation commission awarded Plaintiffs Nine thousand two hundred forty Dollars ($9,240.00) in damages, which amount was disbursed to the Plaintiffs by Court Order on October 21, 1974.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Plaintiffs shall repay to the Defendant, Iowa State Highway Commission, the sum of Two Hundred Forty Dollars ($240.00) with interest at the legal rate from October 21, 1974, until the date paid; and

that the costs of this action as taxed by the Clerk of Court in the amount of $ 73.00 are to be assessed against the Plaintiffs.

Robert O Frederick

ROBERT O. FREDERICK, JUDGE OF THE
FIFTH JUDICIAL DISTRICT OF IOWA.

IN THE DISTRICT COURT OF THE STATE OF IOWA

IN AND FOR MADISON COUNTY

VIRGINIA BUSCH HAMPTON, KENNETH WAYNE BUSCH, and CARROLL WILLIAM BUSCH,	)	
Plaintiffs,	)	NO. 21273
v.	)	
IOWA STATE HIGHWAY COMMISSION,	)	SATISFACTION OF ORDER CONFIRMING VERDICT
Defendant.	)	

COMES NOW Defendant, Iowa State Highway Commission, and acknowledges receipt of a check payable to the Iowa State Highway Commission in the amount of $266.60 in full satisfaction of the Order Confirming Verdict entered in this case on April 2, 1975.

IOWA DEPARTMENT OF TRANSPORTATION

RICHARD C. TURNER
Attorney General of Iowa

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

BY Robert W. Goodwin
ROBERT W. GOODWIN
Assistant Attorney General
Highway Division
Department of Transportation
Ames, Iowa 50010

ATTORNEYS FOR DEFENDANT

Copy to:

Mr. Gordon K. Darling
53 Jefferson Street
Winterset, Iowa 50273

ATTORNEY FOR PLAINTIFF

PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause by depositing a copy thereof in the U.S. Mail, postage prepaid, in envelopes addressed to each of the attorneys of record herein at their respective addresses disclosed on the pleadings, on 5-19, 19 76

Robert W. Goodwin