FILED NO. 2762
BOOK 111 PAGE 623

1976 MAY 20 AM 11:25

Fee #56.50

MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA

Form 690

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. **92 in the Town of**

Bevington

located in **Madison** County, Iowa

Project No. **P-764**

Group

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

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 ~~xxxxxxxxxxxx~~ 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 February, 1976.

ENTERED FOR TAXATION
THIS 25 DAY OF May 1976
AUDITORS FEE $ 4.00
George F. Williams
AUDITOR

DEPUTY AUDITOR

IOWA STATE HIGHWAY COMMISSION

BY RICHARD C. TURNER
Attorney General of Iowa

Asher E. Schroeder

BY
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 25 day of Feb., 1976.

Gibson C. Holliday

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

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Note: The preceding four parcels of land contain 0.95 acre, more or less.

Said property is described in a certain grant of right of way for public road purposes executed by the Chicago, Rock Island and Pacific Railway Company on November 7, 1931 and recorded in the Madison County Recorder's Office on January 31, 1933, and occuring in Book 70, Page 287.

Also, all that part of Block 15 in said Town of Bevington which is bounded on the northwest by a line beginning at a point 40 ft. normally distant southeasterly from the above described centerline, on the west line of said Block 15, thence to a point 40 ft. radially distant southeasterly from the above described centerline, on the north line of said Block 15, and bounded on the southeast by a line beginning at a point 60 ft. normally distant southeasterly from the above described centerline, on the west line of said Block 15, thence parallel to or concentric with the above described centerline to a point 60 ft. radially distant southeasterly from said centerline, on the north line of said Block 15.

Also, all that part of Block 14 in said Town of Bevington which is bounded on the northwest by a line beginning at a point 40 ft. radially distant southeasterly from the above described centerline, on the west line of Lot 4 of said Block 14, thence concentric with or parallel to the above described centerline to a point 40 ft. normally distant southeasterly from said centerline, on the east line of Lot 1 of said Block 14; and bounded on the southeast by a line beginning at a point 60 ft. radially distant southeasterly from the above described centerline, on the west line of said Lot 4, thence concentric with or parallel to the above described centerline to a point 60 ft. normally distant southeasterly from said centerline, on the east line of said Lot 1.

Also, all that part of Lots 5, 6, 7 and 8 of Block 13 in said Town of Bevington which is bounded on the northwest by the southeasterly right of way line of Old Primary Road No. 92 and by a line beginning at a point 40 ft. radially distant southeasterly from the above described centerline, on the southeasterly right of way line of Old Primary Road No. 92, thence concentric with the above described centerline to a point 40 ft. radially distant southeasterly from said centerline, on the north line of said Lot 8 and bounded on the southeast by a line beginning at a point 60 ft. radially distant southeasterly from the above described centerline, on the west line of said Lot 5, thence concentric with the above described centerline to a point 60 ft. radially distant southeasterly from said centerline, on the east line of said Lot 8.

The preceding 3 parcels of land contain 0.29 acre, more or less.

A parcel of land located in the Town of Bevington, Iowa, in Sec. 25, T76N, R26W of the 5th P.M., Madison County, Iowa, lying on the southeasterly side of part of the following described centerline of Primary Road No. 92.

The centerline of Primary Road No. 92, designated by station points 100 feet apart, numbered consecutively from westerly to easterly, is described as follows: Beginning at Sta. 647+96.4, a point 20.0 ft. north of the southwest corner of Lot 8, Block 10 in the said Town of Bevington, said point being on the west line of said Lot 8, thence northeasterly 601.7 ft. along a 5730.0 ft. radius curve, concave northwesterly to Sta. 653+98.1.

Said parcel is described as follows: All that part of the Chicago, Rock Island and Pacific Railroad Co. abandoned right of way that lies northwesterly of a line beginning at a point 60 ft. radially distant southeasterly from the above described centerline, on the northerly right of way line of said railroad, thence concentric with the above described centerline to a point 60 ft. radially distant southeasterly from said centerline, on the east line of said Sec. 25; containing 0.18 acre, more or less.

In connection with this condemnation proceeding it is specifically provided that any and all improvements, including fences, and advertising devices, if any, located wholly within the land sought in fee simple title are condemned in their entirety.

located in Madison County, Iowa

Project No. P-764

Group "A"

TO:

Chicago, Rock Island and Pacific Railroad Company, c/o Bennett A. Webster, R.A., 500 Bankers Trust Building, Des Moines, Iowa
Robert Anderson, Bevington, Iowa
Any and All Unknown Heirs, Successors, and Assigns of John Williamson
Town of Bevington, Iowa, c/o Town Clerk, Bevington, 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:

Parts of the SE¼NE¼ and NE¼SE¼ of Sec. 25, T76N, R26W of the 5th P.M., in the Town of Bevington, 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 plats Exhibits "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 and as shown on the plats Exhibits "A" attached hereto and by reference made a part hereof:

Seven parcels of land located in the Town of Bevington, Iowa, in Sec. 25, T76N, R26W of the 5th P.M., Madison County, Iowa, lying on both sides of part of the following described centerline of Primary Road No. 92.

The centerline of Primary Road No. 92, designated by station points 100 feet apart, numbered consecutively from westerly to easterly, is described as follows: Beginning at Sta. 647+96.4, a point 20.0 ft. north of the southwest corner of Lot 8, Block 10 in the said Town of Bevington, said point being on the west line of said Lot 8, thence southwesterly 170.0 ft. along a 5730.0 ft. radius curve, concave northwesterly and tangent to the following course to Sta. 646+26.4, thence S74°21'W 366.3 ft. to Sta. 642+60.1, thence southwesterly 460.1 ft. along a 2292.0 ft. radius curve, concave southeasterly and tangent to the preceding course to Sta. 638+00.

Said parcels are described as follows: All that part of Block 15 in said Town of Bevington that lies northwesterly of a line beginning at a point 40 ft. normally distant southeasterly from the above described centerline, on the west line of said Block 15, thence to a point 40 ft. radially distant southeasterly from the above described centerline, on the north line of said Block 15.

Also, all that part of Block 14 in said Town of Bevington that lies northwesterly of a line beginning at a point 40 ft. radially distant southeasterly from the above described centerline, on the west line of Lot 4 of said Block 14, thence concentric with or parallel to the above described centerline to a point 40 ft. normally distant southeasterly from said centerline, on the east line of Lot 1 of said Block 14.

Also, all that part of Lots 1, 2 and 3 of Block 13 in said Town of Bevington that lies southeasterly of the southeasterly right of way line of Old Primary Road No. 92.

Also, all that part of Lots 5, 6, 7 and 8 of Block 13 in said Town of Bevington that is bounded on the northwest by the southeasterly right of way line of Old Primary Road No. 92 and bounded on the southeast by a line beginning at a point 40 ft. radially distant southeasterly from the above described centerline, on said southeasterly right of way line of Old Primary Road No. 92, thence concentric with the above described centerline to a point 40 ft. radially distant southeasterly from said centerline, on the north line of said Lot 8.

Continued on next sheet

626

Form 634-077
6-75

IOWA DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY PLAT
EXHIBIT "A"

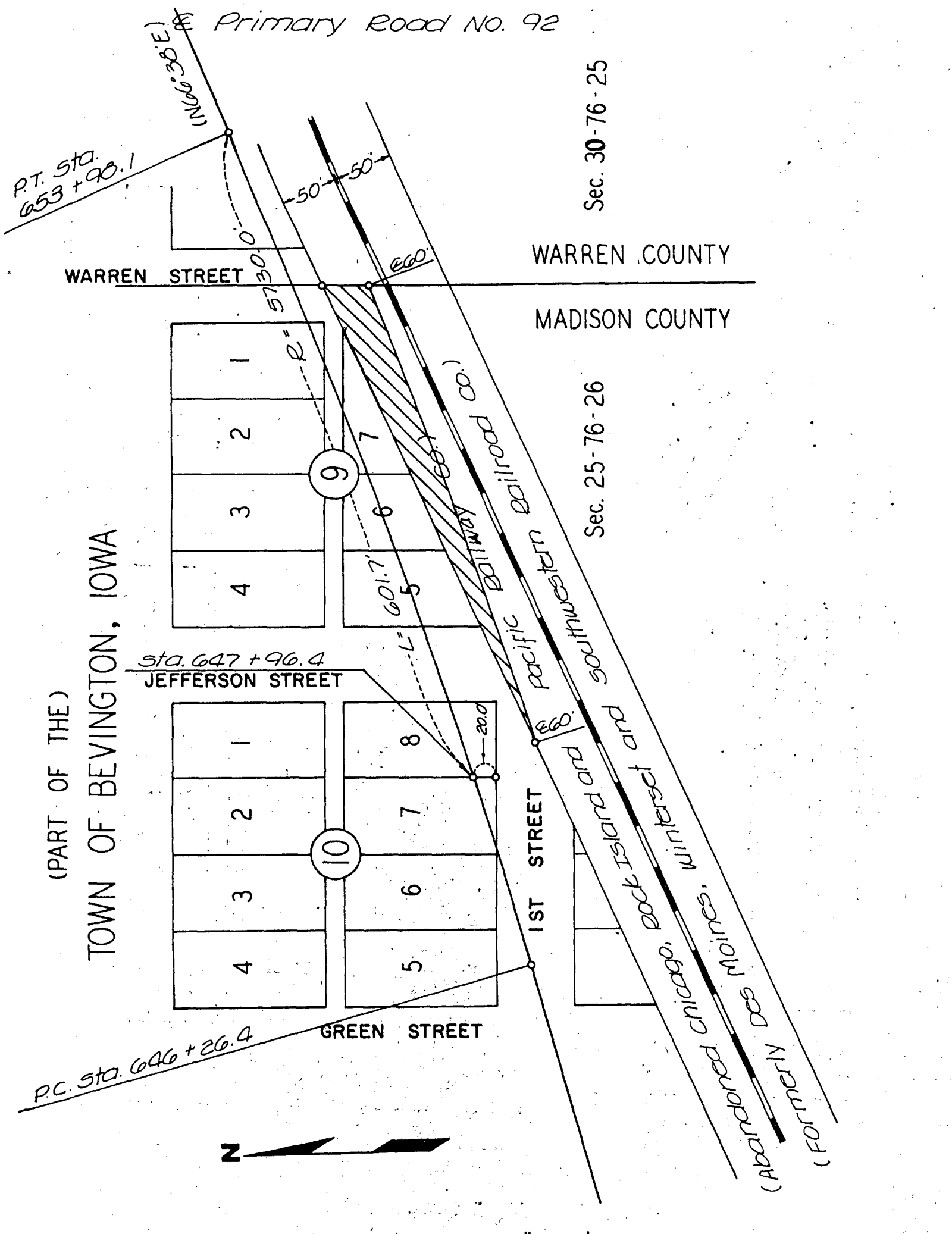
COUNTY MADISON — STATE CONTROL NO. ____

PROJECT NO. P-764 — PARCEL NO. ____

SECTION 25 — TOWNSHIP 76N — RANGE 26W

ROW - FEE 0.18 AC, EASE ____ AC, EXCESS - FEE ____ AC

ACQUIRED FROM CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY, ET AL



DATE DRAWN 12-5-75 — 1" = 100' — FILMED ____

Form 684-077
6-75

IOWA DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY PLAT
EXHIBIT "A"

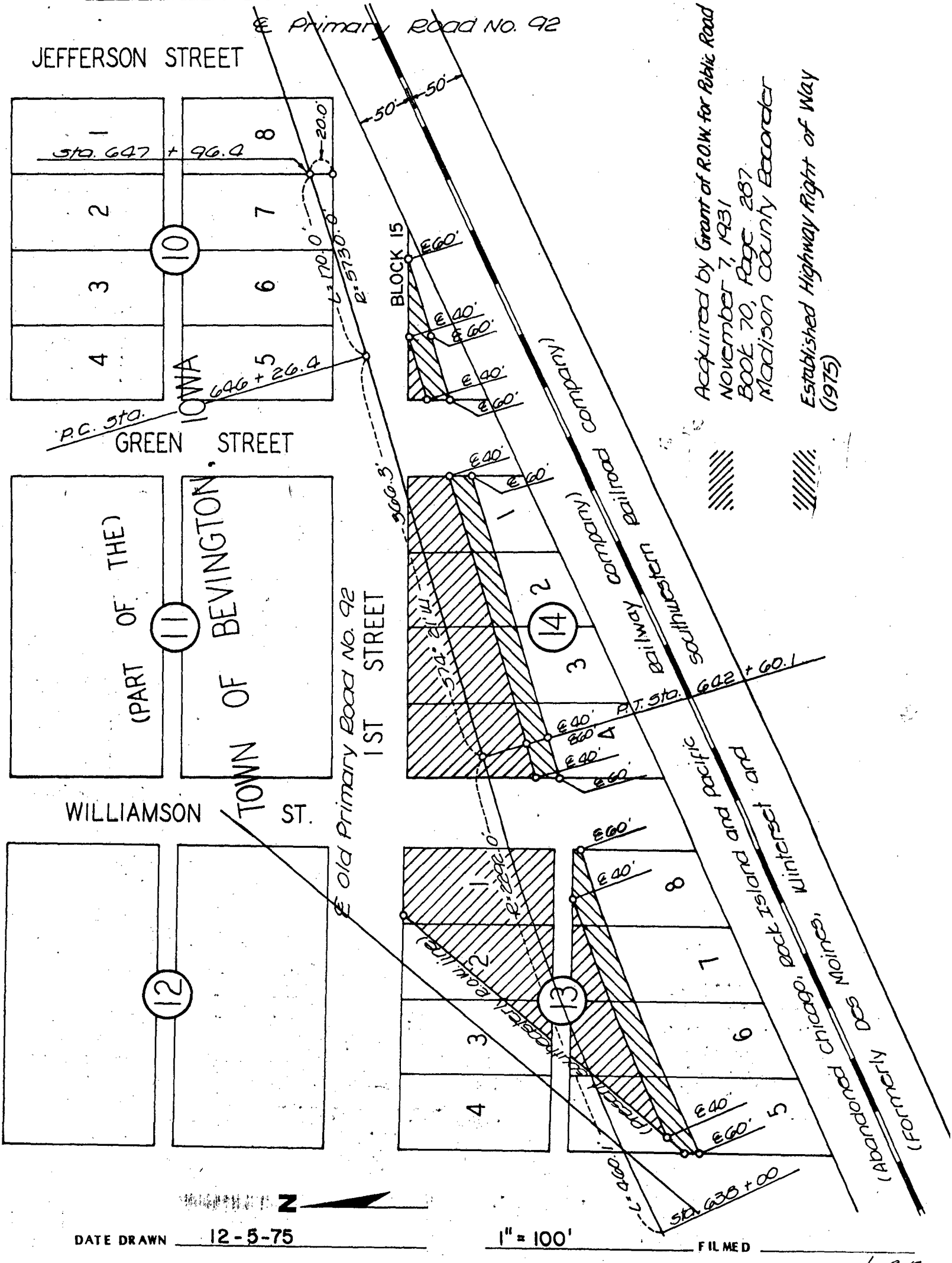
COUNTY MADISON STATE CONTROL NO.

PROJECT NO. P-764 PARCEL NO.

SECTION 25 TOWNSHIP 76N RANGE 26W

ROW - FEE 1.24 AC, EASE AC, EXCESS - FEE AC

ACQUIRED FROM CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY, ET AL



DATE DRAWN 12-5-75 1" = 100' FILMED

627

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IN THE MATTER OF THE CONDEMNATION OF CERTAIN RIGHTS IN LAND BY THE IOWA STATE HIGHWAY COMMISSION FOR THE USE AND BENEFIT OF THE STATE OF IOWA IN THE IMPROVEMENT OF

Primary Road No. 92 in the Town of Bevington
located in Madison County, Iowa
Project No. P-764
Group "A"

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

Madison County, Iowa

An Application for Condemnation having been filed with me by the Iowa 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	QUALIFICATION
Bert Smith	Winterset	Licensed Real Estate Salesman or Broker
Ole Olson	Winterset	
Kenneth Ritter	Winterset	Knowledgeable of Property Values by Virtue of Occupation
Irvin Martens	Winterset	
Jack Hilton	Winterset	~~Knowledgeable of Property Values by Virtue of Occupation~~ Other Than Agricultural
Earl Crawford	Winterset	

I further designate, select, and appoint the above named Bert Smith 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 3rd day of March, 1976.

Chief Judge of the Fifth Judicial District, Inluding Madison County

Filed in my office at 11th, Iowa this Mar day of 1976.

Sheriff of Madison County, Iowa

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

Primary Road No. 92 in the Town of

Bevington

Form 493

SUMMONS TO COMMISSIONERS

located in Madison County, Iowa

Project No. P-764

Group "A"

TO: Burt Smith, 624 S. 8th Ave., 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 Burt Smith 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 20th day of April ,1976 , at 9:30 o'clock a.m. (cst) 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 13 day of MARCH , 1976 . 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.

Burt Smith

Filed in my office at Winterset , Iowa, this 15 day of Mar. , 1976

Rex Rouse
Sheriff of Madison County, Iowa

REFUSAL TO SERVE

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

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

Primary Road No. 92 in the Town of Bevington

located in Madison County, Iowa

Project No. P-764

Group "A"

Form 493

Rec'd 3-18-76 10:20 am

SUMMONS TO COMMISSIONERS

TO: Jack Hilton, 112 S. 8th Ave., 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 Burt Smith 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 20th day of April ,19 76 , at 9:30 o'clock a.m. (cst) 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.

Filed in my office at Winterset, Iowa, this 18 day of March, 1976.

Jack Hilton

Rex Rouse
Sheriff of Madison County, Iowa

Rex Rouse 3-18-76

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. 92 in the Town of Bevington

SUMMONS TO COMMISSIONERS

located in Madison County, Iowa

Project No. P-764

Group "A"

RECEIVED
3-11-76 10AM
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

TO: Ole Olson, 623 W. Washington, 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 Burt Smith 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 20th day of April, 1976, at 9:30 o'clock a.m. (cst) 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 11 day of Mar., 1976. 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.

Iswell L. Olson

Filed in my office at Winterset, Iowa, this 11th day of Mar., 1976

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. 92 in the Town of

Bevington

SUMMONS TO COMMISSIONERS

located in Madison County, Iowa

Project No. P-764

Group "A"

TO: Earl Crawford, 610 W. Washington, 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 Burt Smith 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 20th day of April ,1976 , at 9:30 o'clock a.m. (cst) 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.

Earl Crawford

Filed in my office at Winterset , Iowa, this 18 day of March , 1976.

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. 92 in the Town of Bevington

Form 493

SUMMONS TO COMMISSIONERS

located in Madison County, Iowa

Project No. P-764

Group "A"

TO: Kenneth Ritter, 133 S. 10th Ave., 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 Burt Smith 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 20th day of April ,19 76 at 9:30 o'clock a.m. (cst) 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 12th 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.

Filed in my office at Winterset, Iowa, this 15 day of March, 1976.

Rex Rouse
Sheriff of Madison County, Iowa

REFUSAL TO SERVE

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

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

Primary Road No. 92 in the Town of

Bevington

located in Madison County, Iowa

Project No. P-764

Group "A"

Form 493

SUMMONS TO COMMISSIONERS

TO: Irvin Martens, Winterset, Iowa

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

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of 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 Burt Smith 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 20th day of April ,19 76, at 9:30 o'clock a.m. (cst) 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.

Irvin L. Martens

Filed in my office at Winterset, Iowa, this 16 day of March, 1976.

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 Department of Transportation for the Use and Benefit of the State of Iowa in the Improvement of

Primary Road No. 92 in the Town of

Bevington

located in Madison County, Iowa

Project No. P-764

Group "A"

Form 495, Sheet 1

NOTICE

Rec'd 3-11-16

TO:

Chicago, Rock Island and Pacific Railroad Company, c/o Bennett A. Webster, R.A., 500 Bankers Trust Building, Des Moines, Iowa
Robert Anderson, Bevington, Iowa
Any and All Unknown Heirs, Successors, and Assigns of John Williamson
Town of Bevington, Iowa, c/o Town Clerk, Bevington, 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:

Parts of the SE¼NE¼ and NE¼SE¼ of Sec. 25, T76N, R26W of the 5th P.M., in the Town of Bevington, 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 plats Exhibits "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 and as shown on the plats Exhibits "A" attached hereto and by reference made a part hereof:

Seven parcels of land located in the Town of Bevington, Iowa, in Sec. 25, T76N, R26W of the 5th P.M., Madison County, Iowa, lying on both sides of part of the following described centerline of Primary Road No. 92.

The centerline of Primary Road No. 92, designated by station points 100 feet apart, numbered consecutively from westerly to easterly, is described as follows: Beginning at Sta. 647+96.4, a point 20.0 ft. north of the southwest corner of Lot 8, Block 10 in the said Town of Bevington, said point being on the west line of said Lot 8, thence southwesterly 170.0 ft. along a 5730.0 ft. radius curve, concave northwesterly and tangent to the following course to Sta. 646+26.4, thence S74°21'W 366.3 ft. to Sta. 642+60.1, thence southwesterly 460.1 ft. along a 2292.0 ft. radius curve, concave southeasterly and tangent to the preceding course to Sta. 638+00.

Said parcels are described as follows: All that part of Block 15 in said Town of Bevington that lies northwesterly of a line beginning at a point 40 ft. normally distant southeasterly from the above described centerline, on the west line of said Block 15, thence to a point 40 ft. radially distant southeasterly from the above described centerline, on the north line of said Block 15.

Also, all that part of Block 14 in said Town of Bevington that lies northwesterly of a line beginning at a point 40 ft. radially distant southeasterly from the above described centerline, on the west line of Lot 4 of said Block 14, thence concentric with or parallel to the above described centerline to a point 40 ft. normally distant southeasterly from said centerline, on the east line of Lot 1 of said Block 14.

Also, all that part of Lots 1, 2 and 3 of Block 13 in said Town of Bevington that lies southeasterly of the southeasterly right of way line of Old Primary Road No. 92.

Also, all that part of Lots 5, 6, 7 and 8 of Block 13 in said Town of Bevington that is bounded on the northwest by the southeasterly right of way line of Old Primary Road No. 92 and bounded on the southeast by a line beginning at a point 40 ft. radially distant southeasterly from the above described centerline, on said southeasterly right of way line of Old Primary Road No. 92, thence concentric with the above described centerline to a point 40 ft. radially distant southeasterly from said centerline, on the north line of said Lot 8.

Continued on next sheet

Note: The preceding four parcels of land contain 0.95 acre, more or less.

Said property is described in a certain grant of right of way for public road purposes executed by the Chicago, Rock Island and Pacific Railway Company on November 7, 1931 and recorded in the Madison County Recorder's Office on January 31, 1933, and occuring in Book 70, Page 287.

Also, all that part of Block 15 in said Town of Bevington which is bounded on the northwest by a line beginning at a point 40 ft. normally distant southeasterly from the above described centerline, on the west line of said Block 15, thence to a point 40 ft. radially distant southeasterly from the above described centerline, on the north line of said Block 15, and bounded on the southeast by a line beginning at a point 60 ft. normally distant southeasterly from the above described centerline, on the west line of said Block 15, thence parallel to or concentric with the above described centerline to a point 60 ft. radially distant southeasterly from said centerline, on the north line of said Block 15.

Also, all that part of Block 14 in said Town of Bevington which is bounded on the northwest by a line beginning at a point 40 ft. radially distant southeasterly from the above described centerline, on the west line of Lot 4 of said Block 14, thence concentric with or parallel to the above described centerline to a point 40 ft. normally distant southeasterly from said centerline, on the east line of Lot 1 of said Block 14; and bounded on the southeast by a line beginning at a point 60 ft. radially distant southeasterly from the above described centerline, on the west line of said Lot 4, thence concentric with or parallel to the above described centerline to a point 60 ft. normally distant southeasterly from said centerline, on the east line of said Lot 1.

Also, all that part of Lots 5, 6, 7 and 8 of Block 13 in said Town of Bevington which is bounded on the northwest by the southeasterly right of way line of Old Primary Road No. 92 and by a line beginning at a point 40 ft. radially distant southeasterly from the above described centerline, on the southeasterly right of way line of Old Primary Road No. 92, thence concentric with the above described centerline to a point 40 ft. radially distant southeasterly from said centerline, on the north line of said Lot 8 and bounded on the southeast by a line beginning at a point 60 ft. radially distant southeasterly from the above described centerline, on the west line of said Lot 5, thence concentric with the above described centerline to a point 60 ft. radially distant southeasterly from said centerline, on the east line of said Lot 8.

The preceding 3 parcels of land contain 0.29 acre, more or less.

A parcel of land located in the Town of Bevington, Iowa, in Sec. 25, T76N, R26W of the 5th P.M., Madison County, Iowa, lying on the southeasterly side of part of the following described centerline of Primary Road No. 92.

The centerline of Primary Road No. 92, designated by station points 100 feet apart, numbered consecutively from westerly to easterly, is described as follows: Beginning at Sta. 647+96.4, a point 20.0 ft. north of the southwest corner of Lot 8, Block 10 in the said Town of Bevington, said point being on the west line of said Lot 8, thence northeasterly 601.7 ft. along a 5730.0 ft. radius curve, concave northwesterly to Sta. 653+98.1.

Said parcel is described as follows: All that part of the Chicago, Rock Island and Pacific Railroad Co. abandoned right of way that lies northwesterly of a line beginning at a point 60 ft. radially distant southeasterly from the above described centerline, on the northerly right of way line of said railroad, thence concentric with the above described centerline to a point 60 ft. radially distant southeasterly from said centerline, on the east line of said Sec. 25; containing 0.18 acre, more or less.

In connection with this condemnation proceeding it is specifically provided that any and all improvements, including fences, and advertising devices, if any, located wholly within the land sought in fee simple title are condemned in their entirety.

BBB

RETURN OF SERVICE — GOVERNMENTAL BODY

STATE OF IOWA, Madison County, ss.

The within Notice came into my hands on the 11th day of March, 19 76

and on the 12th day of March, 19 76, 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

Rex Rouse

of Madison County

By _____
Deputy.

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

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 11th day of March, 19 76, 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
~~Robert Anderson~~	~~March~~	~~12th~~				
Robert Anderson	March	12th	1976	Bevington	Warren	Iowa

Fees:

Service $ 3.00
Mileage $ 3.60
Total $ 6.60

Rex Rouse
Rex Rouse

Sheriff, Madison County, Iowa

By, _____ Deputy

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 20th day of April, 1976, at 10:00 o'clock, a.m. (CST) 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, which will be in the Sheriff's office in Winterset, Iowa.

IOWA DEPARTMENT OF TRANSPORTATION

RICHARD C. TURNER
Attorney General of Iowa

BY Asher E. Schroeder

ASHER E. SCHROEDER
Special Assistant Attorney
General and Counsel to the
Department of Transportation
Highway Division
Ames, Iowa 50010

BBB

RETURN OF SERVICE — GOVERNMENTAL BODY

STATE OF IOWA, Madison County, ss.

The within Notice came into my hands on the 11th day of March, 1976 and on the 12th day of March, 1976, I served the same upon the Town of Bevington, Iowa

by offering to read the same to Alice Bussanmas, he being the Clerk

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

FEES

Service - - - $_____

Copies - - - $_____

Mileage - - - $_____

Total - - - $_____

Rex Rouse

Rex Rouse

of Madison County

By _____
Deputy.

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

See PREVIOUS PAGES

640

Form 634-077
6-75

IOWA DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY PLAT
EXHIBIT "A"

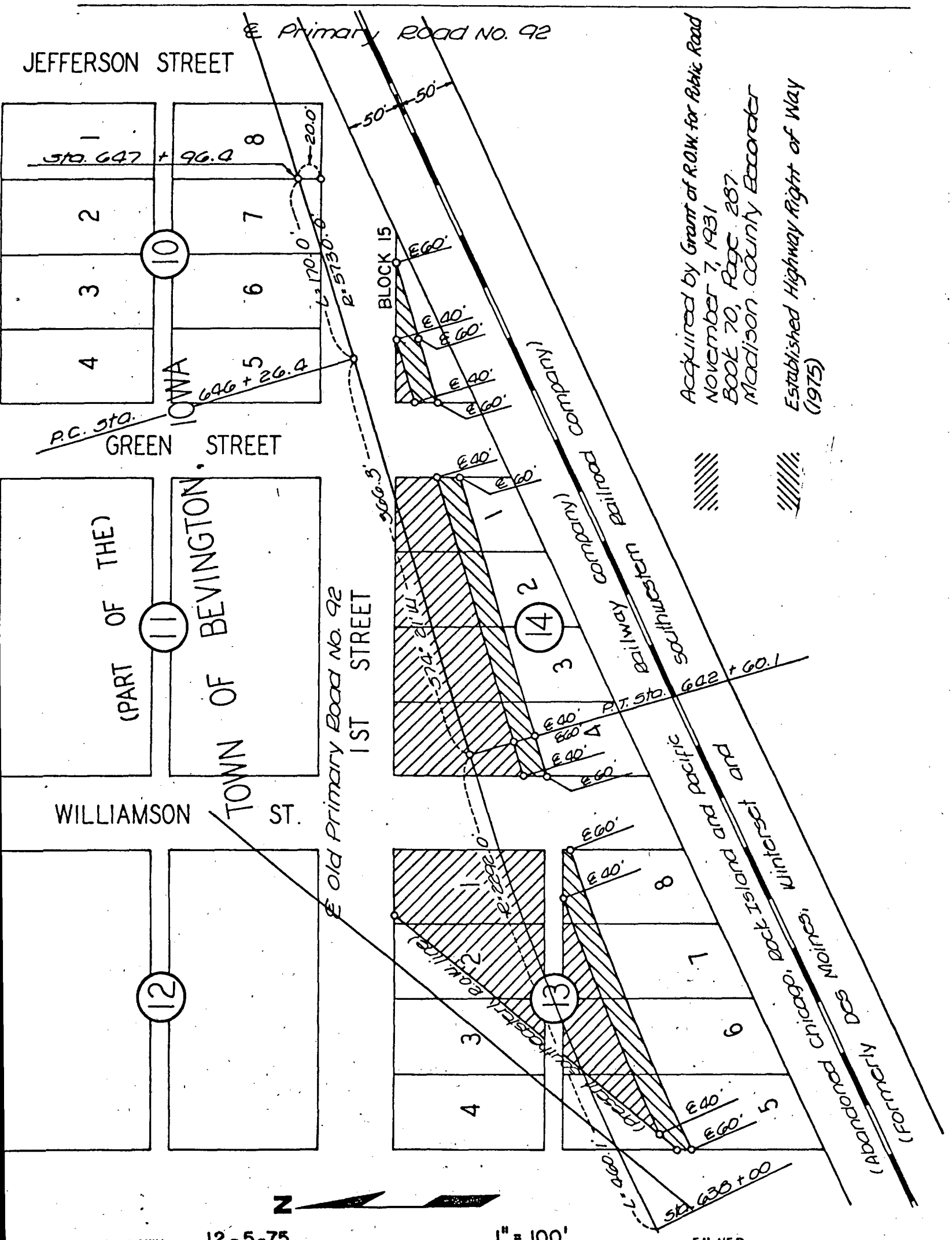
COUNTY MADISON STATE CONTROL NO.

PROJECT NO. P-764 PARCEL NO.

SECTION 25 TOWNSHIP 76N RANGE 26W

ROW - FEE 1.24 AC, EASE AC, EXCESS - FEE AC

ACQUIRED FROM CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY, ET AL



DATE DRAWN 12-5-75 1" = 100' FILMED

Form 634-077
6-75

IOWA DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY PLAT
EXHIBIT "A"

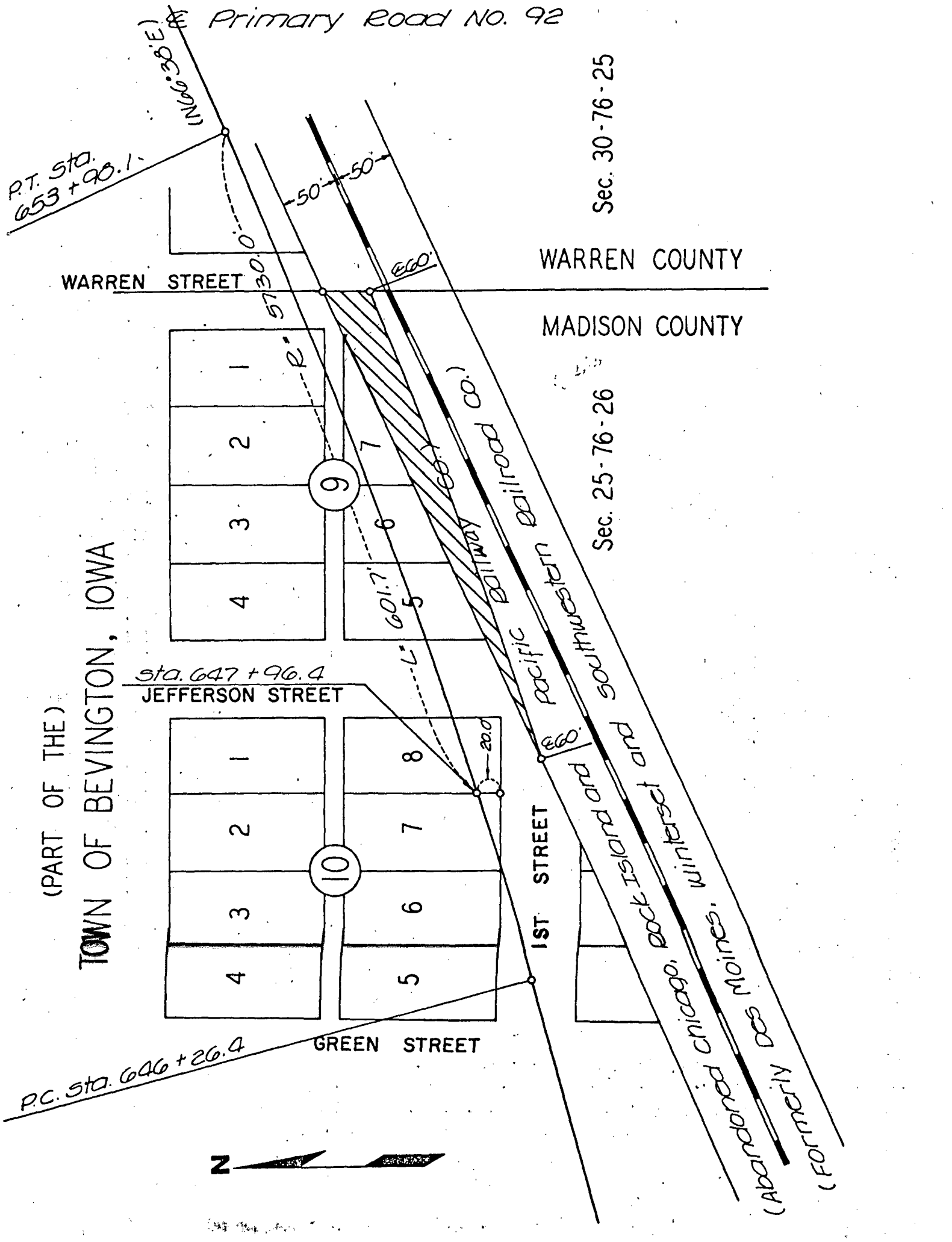
COUNTY MADISON STATE CONTROL NO. ____

PROJECT NO. P-764 PARCEL NO. ____

SECTION 25 TOWNSHIP 76N RANGE 26W

ROW - FEE 0.18 AC, EASE ____ AC, EXCESS - FEE ____ AC

ACQUIRED FROM CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY, ET AL



DATE DRAWN 12-5-75 1" = 100' FILMED ____

641

AFFIDAVIT OF PUBLICATION

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

Primary Road No. 92 in the Town of

Bevington

located in Madison County, Iowa

Project No. P-764

Group "A", Parcel 1

STATE OF IOWA)
) SS.
COUNTY OF STORY)

I, Asher E. Schroeder, being duly sworn, depose and say that I am Attorney for the State Department of Transportation in the above-entitled matter and that a diligent search and inquiry has been made within the State of Iowa upon:

Any and All Known and Unknown Heirs, Successors and Assigns of John Williamson

but none could be found or are known, and personal service of Notices could not be made in the matter.

Asher E. Schroeder

Asher E. Schroeder
Special Assistant Attorney General and General Counsel to the Department of Transportation

Subscribed and sworn to before me this 10th day of March, 1976.

Karen Hodnefield

Notary Public in and for the State of Iowa

KAREN HODNEFIELD
IOWA
NOTARIAL SEAL

STATE OF IOWA

Madison County

PUBLIC NOTICE

NOTICE

In the Matter of the Condemnation of Certain Rights in Land by the Iowa Department of Transportation for the Use and Benefit of the State of Iowa in the Improvement of Primary Road No. 92 in the Town of Bevington located in Madison County, Iowa

Project No. P-764
Group "A"

TO:

Chicago, Rock Island and Pacific Railroad Company, c-o Bennett A. Webster, R.A., 500 Bankers Trust Building, Des Moines, Iowa

Robert Anderson, Bevington, Iowa

Any and All Unknown Heirs, Successors and Assigns of John Williamson

Town of Bevington, Iowa, c-o Town Clerk, Bevington, 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:

Parts of the SE¼NE¼ and NE¼SE¼ of Sec. 25, T76N, R26W of the 5th P.M., in the Town of Bevington, 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 plats Exhibits "A" attached 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 and as shown on the plats Exhibits "A" by reference made a part hereof:

Seven parcels of land located in the Town of Bevington, Iowa, in Sec. 25, T76N, R26W of the 5th P.M., Madison County, Iowa, lying on both sides of part of the following described centerline of Primary Road No. 92.

The centerline of Primary Road No. 92, designated by station points 100 feet apart, numbered consecutively from westerly to easterly, is described as follows: Beginning at Sta. 647+96.4, a point 20.0 ft. north of the southwest corner of Lot 8, Block 10 in the said Town of Bevington, said point being on the west line of said Lot 8, thence southwesterly 170.0 ft. along a 5730.0 ft. radius curve, concave northwesterly and tangent to the following course to Sta. 646+26.4, thence S74 degrees 21'W 366.3 ft. to Sta. 642+60.1, thence southwesterly 460.1 ft. along a 2292.0 ft. radius curve, concave southeasterly and tangent to the preceding course to Sta. 638+00.

Said parcels are described as follows: All that part of Block 15 in said town of Bevington that lies northwesterly of a line beginning at a point 40 ft. normally distant southeasterly from the above described centerline, on the west line of said Block 15, thence to a point 40 ft. radially distant southeasterly from the above described centerline, on the north line of said Block 15.

Also, all that part of Block 14 in said Town of Bevington that lies northwesterly of a line beginning at a point 40 ft. radially distant southeasterly from the above described centerline, on the west line of Lot 4 of said Block 14, thence concentric with or parallel to the above described centerline to a point 40 ft. normally distant southeasterly from said centerline, on the east line of Lot 1 of said Block 14.

Also, all that part of Lots 1, 2 and 3 of Block 13 in said Town of Bevington that lies southeasterly of the southeasterly right of way line of Old Primary Road No. 92.

Also, all that part of Lots 5, 6, 7 and 8 of Block 13 in said Town of Bevington that is bounded on the northwest by the southeasterly right of way line of Old Primary Road No. 92 and bounded on the southeast by a line beginning at a point 40 ft. radially distant southeasterly from the above described centerline, on said southeasterly right of way line of Old Primary Road No. 92, thence concentric with the above described centerline to a point 40 ft. radially distant southeasterly from said centerline, on the north line of said Lot 8.

Note: The preceding four parcels of land contain 0.95 acre, more or less.

Said property is described in a certain grant of right of way for public road purposes executed by the Chicago, Rock Island and Pacific Railway Company on November 7, 1931 and recorded in the Madison County Recorder's Office on January 31, 1933, and occuring in Book 70, Page 287.

643

644

Affidavit of Publication

ss.

John Gorman BEING DULY SWORN

SAYS HE IS publisher OF THE

IAN, a ____ weekly news-
ion, published in Winterset,
, a copy of which is annexed
is correctly published in said

of four consecutive weeks

of being on the 7th day

, 1976

John Gorman

Subscribed and sworn to before me this 8th day

of April, 1976

Lucille C. Hanson

NOTARY PUBLIC
In and for Madison Co

Fee $ 216.34

4-21-76

Also, all that part of Block 15 in said Town of Bevington which is bounded on the northwest by a line beginning at a point 40 ft. normally distant southeasterly from the above described centerline, on the west line of said Block 15, thence to a point 40 ft. radially distant southeasterly from the above described centerline, on the north line of said Block 15, and bounded on the southeast by a line beginning at a point 60 ft. normally distant southeasterly from the above described centerline, on the west line of said Block 15, thence parallel to or concentric with the above described centerline to a point 60 ft. radially distant southeasterly from said centerline, on the north line of said Block 15.

Also, all that part of Block 14 in said Town of Bevington which is bounded on the northwest by a line beginning at a point 40 ft. radially distant southeasterly from the above described centerline, on the west line of Lot 4 of said Block 14, thence concentric with or parallel to the above described centerline to a point 40 ft. normally distant southeasterly from said centerline, on the east line of Lot 1 of said Block 14; and bounded on the southeast by a line beginning at a point 60 ft. radially distant southeasterly from the above described centerline, on the west line of said Lot 4, thence concentric with or parallel to the above described centerline to a point 60 ft. normally distant southeasterly from said centerline, on the east line of said Lot 1.

Also, all that part of Lots 5, 6, 7 and 8 of Block 13 in said Town of Bevington which is bounded on the northwest by the southeasterly right of way line of Old Primary Road No. 92 and by a line beginning at a point 40 ft. radially distant southeasterly from the above described centerline, on the southeasterly right of way line of Old Primary Road No. 92, thence concentric with the above described centerline to a point 40 ft. radially distant southeasterly from said centerline, on the north line of said Lot 8 and bounded on the southeast by a line beginning at a point 60 ft. radially distant southeasterly from the above described centerline, on the west line of said Lot 5, thence concentric with the above described centerline to a point 60 ft. radially distant southeasterly from said centerline, on the east line of said Lot 8.

The preceding 3 parcels of land contain 0.29 acre, more or less.

A parcel of land located in the Town of Bevington, Iowa, in Sec. 25, T76N, R26W of the 5th P.M., Madison County, Iowa, lying on the southeasterly side of part of the following described centerline of Primary Road No. 92.

The centerline of Primary Road No. 92, designated by station points 100 feet apart, numbered consecutively from westerly to easterly, is described as follows: Beginning at Sta. 647+96.4, a point 20.0 ft. north of the southwest corner of Lot 8, Block 10 in the said Town of Bevington, said point being on the west line of said Lot 8, thence northeasterly 601.7 ft. along a 5730.0 ft. radius curve, concave northwesterly to Sta. 653+98.1.

Said parcel is described as follows: All that part of the Chicago, Rock Island and Pacific Railroad Co. abandoned right of way that lies northwesterly of a line beginning at a point 60 ft. radially distant southeasterly from the above described centerline, on the northerly right of way line of said railroad, thence concentric with the above described centerline to a point 60 ft. radially distant southeasterly from said centerline, on the east line of said Sec. 25; containing 0.18 acre, more or less.

In connection with this condemnation proceeding is specifically provided that any and all improvements, including fences, and advertising devices, if any, located wholly within the land sought in fee simple title are condemned in their entirety.

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 20th day of April, 1976, at 10:30 o'clock, a.m. (CST) 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,

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

Form 494

Primary Road No. 92 in the Town of Bevington

OATH OF COMMISSIONERS

located in Madison County, Iowa

Project No. P-764

Group "A"

- - - - - - - - - - -

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 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.

Bunt Smith
Name:
Licensed Real Estate Salesman or Broker

Lowell L. Olson
Name:
Licensed Real Estate Salesman or Broker

Irene K. Mentzer
Name:
Knowledgeable of Property Values by Virtue of Occupation

Everett Ritter
Name:
Knowledgeable of Property Values by Virtue of Occupation

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

Earl A. Brueggeman
Name:
(As appropriate to type of property involved) Other than Agricultural

Subscribed and sworn to before me this 20th day of April, 1976.

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

IOWA MADISON COUNTY

Filed in my office at Winterset, Iowa, this 20th day of April, 1976.

Rex Rouse
Sheriff of Madison County, Iowa

646

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

AFFIDAVIT OF FINAL OFFER

Primary Road No. 92 in the Town of

Bevington

located in Madison County, Iowa

Project No. P-764

Group "A"

On this the 20th day of Apr. 1, 1976, comes the Iowa Department of Transportation 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) $ 0.00 None

PARCEL 1 -

Bevington Town Clerk

Madison County Treasurer

Any and All Unknown Heirs, Successors and Assigns of John Williamson

IOWA DEPARTMENT OF TRANSPORTATION

BY: Gordon A. Sweitzer
Gordon A. Sweitzer
Right of Way Director by Robert L Martin
Condemnation Agent

Subscribed and sworn to before me this 20th day of Apr. 1, 1976.

Ida L. Silverthorn, Deputy Clerk
~~Notary Public in and for the State of Iowa~~

Filed in my office at Winterset, Iowa, this 20th day of Apr. 1, 1976.

Reg Ponse
Sheriff of Madison County, Iowa

Form 634-099
1-76

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

NOTICE OF APPRAISEMENT OF DAMAGES AND TIME FOR APPEAL

Primary Road No. 92 in the Town of Bevington

located in Madison County, Iowa

Project No. P-764

Group "A"

Parcel No. 1

TO:

	Land & Improvements	Consequential Damages	Total Award	Condemnees' Atty. Fees and Costs
Bevington Town Clerk	$	$	$ -0-	$
Madison County Treasurer	$	$	$ -0-	$
Any and All Unknown Heirs, Successors and Assigns of John Williamson	$	$	$ -0-	$
	$	$	$	$
	$	$	$	$

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 this Notice, appeal to the district dourt as by law provided.

Date: 20th Day of April, 1976

Reyo Ronse

SHERIFF OF MADISON COUNTY, IOWA

647

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. 92 in the Town of Bevington

located in Madison County

Project No. P-764

Group "A"

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 1 -- Town of Bevington,	$ 0	$	$	$
Iowa, c/o Town Clerk;	$	$	$ -0-	$
Madison County Treasurer	$	$	$ -0-	$
	$	$	$	$
Any and All Known and Unknown	$	$	$ -0-	$
Heirs, Successors and Assigns of John Williamson	$	$	$	$
	$	$	$	$
	$	$	$	$
	$	$	$	$
	$	$	$	$
	$	$	$	$

Respectfully reported at Winterset, Iowa, this 20 day of April, 1976

Burton J. Smith
Everett Teeter
Dean K. Mantonya
Carl G. Grandy
Jack Hutton
Farrell L. Olson

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 20th day of April, 1976

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. 92 in the Town of Bevington

located in Madison County, Iowa

Project No. P-764

Group "A"

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 20th day of April, 1976, the attached Notices of Appraisement of Damages and Time for Appeal to each of the persons to which they are addressed.

Rep Ranse

SHERIFF OF MADISON COUNTY, IOWA

649

650

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. P-764 Group "A"

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 20th day of April, 1976, and thereupon proceeded to view the premises and said commissioners did thereafter on the 20th day of April, 1976, file their report in my office awarding damages as follows:

NAME	AMOUNT
Parcel #1 - Town of Bevington, Ia. % Town Clerk	$ -0-
Madison County, Ia.	-0-
Any and All Known and Unknown Heirs, Successors and Assigns of John Williamson	-0-
TOTAL DAMAGES AWARDED	$ -0-

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
3-12-76	Town of Bevington, Ia.	$.00	24		3.60	8.60
3-12-76	Madison County, Ia.	1.00			~~1.00~~	
3-12-76	Robert Anderson	1.00			~~1.00~~	~~5.60~~

Sheriff, Summoning and attending commissioners $7.50 30.00

Sheriff, Mileage while attending commissioners, 24 Miles @ .10 .15

$ 3.60

xBxx Burt Smith of Winterset, Iowa

1	day service	$ 50.00
	miles at .10-15	1.00
	meals	
Lodging	Hotel	
	Total	$51.00

Jack Hilton of Winterset, Iowa

1	day service	$ 50.00
	miles at .10-15	1.00
	meals	
Lodging	Hotel	
	Total	$ 51.00

Lowell L. Olson of Winterset, Iowa

1	day service	$ 50.00
	miles at .10-15	1.00
	meals	
Lodging	Hotel	
	Total	$51.00

Earl E. Crawford of Winterset, Iowa

1	day service	$ 50.00
	miles at .10-15	1.00
	meals	
Lodging	Hotel	
	Total	$ 51.00

Irvin W. Martens of Winterset, Iowa

1	day service	$ 50.00
24	miles at .10-15	3.60
	meals	
Lodging	Hotel	
	Total	$ 53.60

Kenneth Ritter of Winterset, Iowa

1	day service	$ 50.00
24	miles at .10-15	3.60
	meals	
Lodging	Hotel	
	Total	$ 53.60

Given under my hand this 20th day of April, xxxx 1976.

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.

Dated this 20th day of April, 1976.

Rex Rouse

Sheriff of Madison County

651

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		3.60	8.60
2.	Summoning commissioners		3.12		3.12
3.	Sheriff attending commissioners	30.00		3.60	33.60
	Totals	$35.00	3.12	7.20	$45.32

4. COMMISSIONERS EXPENSES

Burt Smith 1 day service and mileage	$ 51.00
Jack Hilton 1 day service and mileage	51.00
Lowell L. Olson 1 day service and mileage	51.00
Earl E. Crawford 1 day service and mileage	51.00
Irvin W. Martens 1 day service and mileage	53.60
Kenneth Ritter 1 day service and mileage	53.60
Total	$311.20

5. DAMAGES AWARDED:

Parcel 1 - Town of Bevington, Iowa % Town Clerk	-0-
Madison County, Iowa	-0-
Any and All Known and Unknown Heirs, Successors and Assigns of John Williamson	-0-
Total	-0-

RECAPITULATION

Total Damages awarded	$ -0-
Total Sheriff's costs	45.32
Total Commissioner's Expenses	311.20
Grand Total	$356.52

Certified a true statement of condemnations awards and expense in connection with: "In the Matter of the Condemnation of Certain Real Estate for Primary Road Purpose by the State Highway Commission of the State of Iowa, in Madison County, Project No. P-764 Group "A", and the Original copies thereof on this 20th day of April, 1976.

Rex Rouse

Rex Rouse, Sheriff of 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		3.60	8.60
2.	Summoning commissioners		3.12		3.12
3.	Sheriff attending commissioners	30.00		3.60	33.60
	Totals	$35.00	3.12	7.20	$45.32

4. COMMISSIONERS EXPENSES

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Jack Hilton 1 day service and mileage	51.00
Lowell L. Olson 1 day service and mileage	51.00
Earl E. Crawford 1 day service and mileage	51.00
Irvin W. Martens 1 day service and mileage	53.60
Kenneth Ritter 1 day service and mileage	53.60
Total	$311.20

5. DAMAGES AWARDED:

Parcel 1 - Town of Bevington, Iowa % Town Clerk	-0-
Madison County, Iowa	-0-
Any and All Known and Unknown Heirs, Successors and Assigns of John Williamson	-0-
Total	-0-

RECAPITULATION

Total Damages awarded	$ -0-
Total Sheriff's costs	45.32
Total Commissioner's Expenses	311.20
Grand Total	$356.52

Certified a true statement of condemnations awards and expense in connection with: "In the Matter of the Condemnation of Certain Real Estate for Primary Road Purpose by the State Highway Commission of the State of Iowa, in Madison County, Project No. P-764 Group "A", and the Original copies thereof on this 20th day of April, 1976.

Rex Rouse

Rex Rouse, Sheriff of Madison County, Iowa

FILED NO. 2762
BOOK 111 PAGE 623

1976 MAY 20 AM 11:25

Fee $5.50

MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA

Form 690

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. 92 in the Town of

Bevington

located in Madison County, Iowa

Project No. P-764

Group

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

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 xxxxxxxxxxxx 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 February, 1976.

ENTERED FOR TAXATION
THIS 25 DAY OF May 1976
AUDITORS FEE $ 4.00
Lloyd F. Williams
AUDITOR
DEPUTY AUDITOR

IOWA STATE HIGHWAY COMMISSION

BY RICHARD C. TURNER
Attorney General of Iowa

Asher E. Schroeder

BY
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 25 day of Feb., 1976.

Gibson C. Holliday

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

Note: The preceding four parcels of land contain 0.95 acre, more or less.

Said property is described in a certain grant of right of way for public road purposes executed by the Chicago, Rock Island and Pacific Railway Company on November 7, 1931 and recorded in the Madison County Recorder's Office on January 31, 1933, and occuring in Book 70, Page 287.

Also, all that part of Block 15 in said Town of Bevington which is bounded on the northwest by a line beginning at a point 40 ft. normally distant southeasterly from the above described centerline, on the west line of said Block 15, thence to a point 40 ft. radially distant southeasterly from the above described centerline, on the north line of said Block 15, and bounded on the southeast by a line beginning at a point 60 ft. normally distant southeasterly from the above described centerline, on the west line of said Block 15, thence parallel to or concentric with the above described centerline to a point 60 ft. radially distant southeasterly from said centerline, on the north line of said Block 15.

Also, all that part of Block 14 in said Town of Bevington which is bounded on the northwest by a line beginning at a point 40 ft. radially distant southeasterly from the above described centerline, on the west line of Lot 4 of said Block 14, thence concentric with or parallel to the above described centerline to a point 40 ft. normally distant southeasterly from said centerline, on the east line of Lot 1 of said Block 14; and bounded on the southeast by a line beginning at a point 60 ft. radially distant southeasterly from the above described centerline, on the west line of said Lot 4, thence concentric with or parallel to the above described centerline to a point 60 ft. normally distant southeasterly from said centerline, on the east line of said Lot 1.

Also, all that part of Lots 5, 6, 7 and 8 of Block 13 in said Town of Bevington which is bounded on the northwest by the southeasterly right of way line of Old Primary Road No. 92 and by a line beginning at a point 40 ft. radially distant southeasterly from the above described centerline, on the southeasterly right of way line of Old Primary Road No. 92, thence concentric with the above described centerline to a point 40 ft. radially distant southeasterly from said centerline, on the north line of said Lot 8 and bounded on the southeast by a line beginning at a point 60 ft. radially distant southeasterly from the above described centerline, on the west line of said Lot 5, thence concentric with the above described centerline to a point 60 ft. radially distant southeasterly from said centerline, on the east line of said Lot 8

The preceding 3 parcels of land contain 0.29 acre, more or less.

A parcel of land located in the Town of Bevington, Iowa, in Sec. 25, T76N, R26W of the 5th P.M., Madison County, Iowa, lying on the southeasterly side of part of the following described centerline of Primary Road No. 92.

The centerline of Primary Road No. 92, designated by station points 100 feet apart, numbered consecutively from westerly to easterly, is described as follows: Beginning at Sta. 647+96.4, a point 20.0 ft. north of the southwest corner of Lot 8, Block 10 in the said Town of Bevington, said point being on the west line of said Lot 8, thence northeasterly 601.7 ft. along a 5730.0 ft. radius curve, concave northwesterly to Sta. 653+98.1.

Said parcel is described as follows: All that part of the Chicago, Rock Island and Pacific Railroad Co. abandoned right of way that lies northwesterly of a line beginning at a point 60 ft. radially distant southeasterly from the above described centerline, on the northerly right of way line of said railroad, thence concentric with the above described centerline to a point 60 ft. radially distant southeasterly from said centerline, on the east line of said Sec. 25; containing 0.18 acre, more or less.

In connection with this condemnation proceeding it is specifically provided that any and all improvements, including fences, and advertising devices, if any, located wholly within the land sought in fee simple title are condemned in their entirety.

located in Madison County, Iowa

Project No. P-764

Group "A"

TO:

Chicago, Rock Island and Pacific Railroad Company, c/o Bennett A. Webster, R.A., 500 Bankers Trust Building, Des Moines, Iowa
Robert Anderson, Bevington, Iowa
Any and All Unknown Heirs, Successors, and Assigns of John Williamson
Town of Bevington, Iowa, c/o Town Clerk, Bevington, 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:

Parts of the SE¼NE¼ and NE¼SE¼ of Sec. 25, T76N, R26W of the 5th P.M., in the Town of Bevington, 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 plats Exhibits "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 and as shown on the plats Exhibits "A" attached hereto and by reference made a part hereof:

Seven parcels of land located in the Town of Bevington, Iowa, in Sec. 25, T76N, R26W of the 5th P.M., Madison County, Iowa, lying on both sides of part of the following described centerline of Primary Road No. 92.

The centerline of Primary Road No. 92, designated by station points 100 feet apart, numbered consecutively from westerly to easterly, is described as follows: Beginning at Sta. 647+96.4, a point 20.0 ft. north of the southwest corner of Lot 8, Block 10 in the said Town of Bevington, said point being on the west line of said Lot 8, thence southwesterly 170.0 ft. along a 5730.0 ft. radius curve, concave northwesterly and tangent to the following course to Sta. 646+26.4, thence S74°21'W 366.3 ft. to Sta. 642+60.1, thence southwesterly 460.1 ft. along a 2292.0 ft. radius curve, concave southeasterly and tangent to the preceding course to Sta. 638+00.

Said parcels are described as follows: All that part of Block 15 in said Town of Bevington that lies northwesterly of a line beginning at a point 40 ft. normally distant southeasterly from the above described centerline, on the west line of said Block 15, thence to a point 40 ft. radially distant southeasterly from the above described centerline, on the north line of said Block 15.

Also, all that part of Block 14 in said Town of Bevington that lies northwesterly of a line beginning at a point 40 ft. radially distant southeasterly from the above described centerline, on the west line of Lot 4 of said Block 14, thence concentric with or parallel to the above described centerline to a point 40 ft. normally distant southeasterly from said centerline, on the east line of Lot 1 of said Block 14.

Also, all that part of Lots 1, 2 and 3 of Block 13 in said Town of Bevington that lies southeasterly of the southeasterly right of way line of Old Primary Road No. 92.

Also, all that part of Lots 5, 6, 7 and 8 of Block 13 in said Town of Bevington that is bounded on the northwest by the southeasterly right of way line of Old Primary Road No. 92 and bounded on the southeast by a line beginning at a point 40 ft. radially distant southeasterly from the above described centerline, on said southeasterly right of way line of Old Primary Road No. 92, thence concentric with the above described centerline to a point 40 ft. radially distant southeasterly from said centerline, on the north line of said Lot 8.

Continued on next sheet

626

Form 634-077
6-75

IOWA DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY PLAT
EXHIBIT "A"

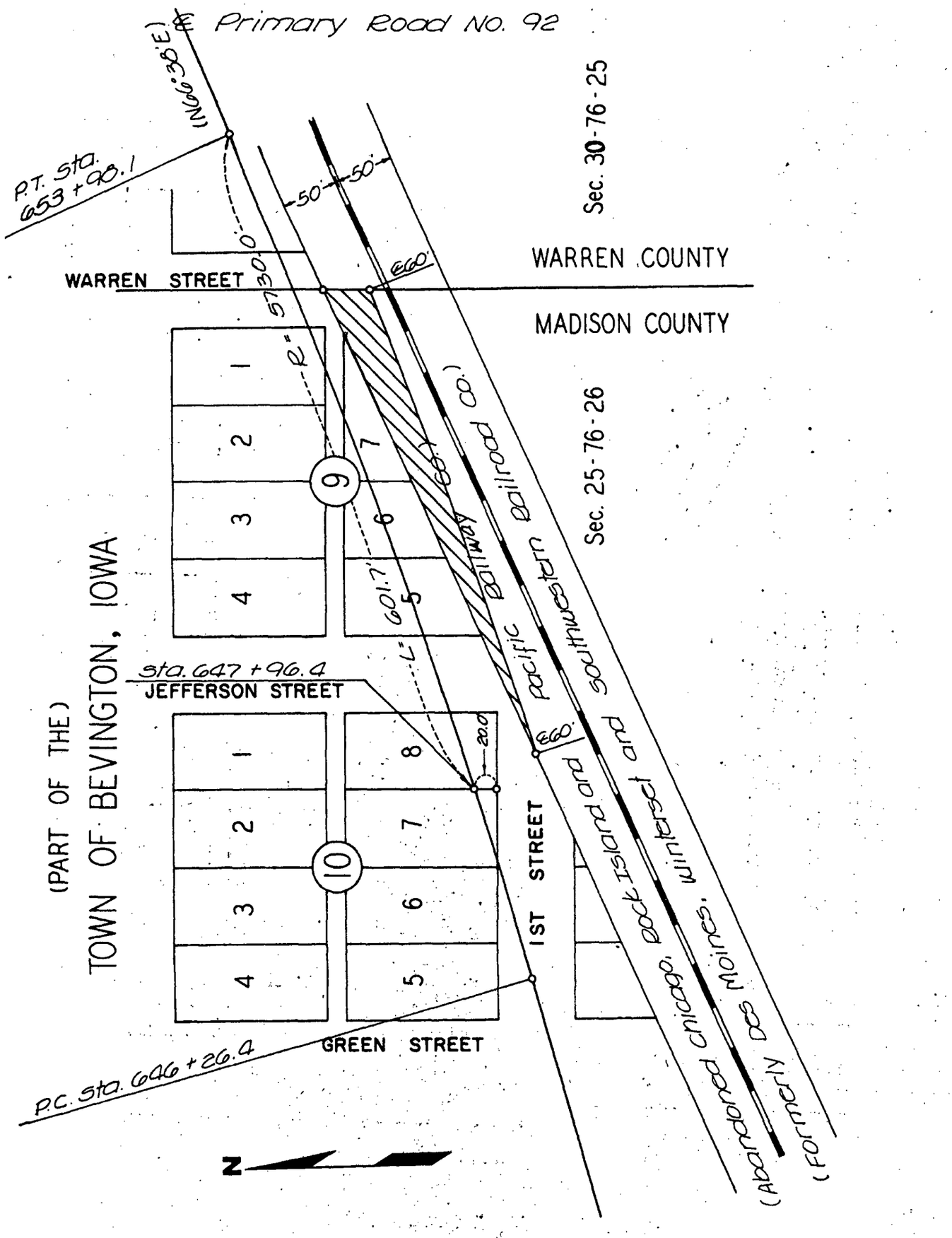
COUNTY MADISON — STATE CONTROL NO. —

PROJECT NO. P-764 — PARCEL NO. —

SECTION 25 — TOWNSHIP 76N — RANGE 26W

ROW - FEE 0.18 AC, EASE — AC, EXCESS - FEE — AC

ACQUIRED FROM CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY, ET AL



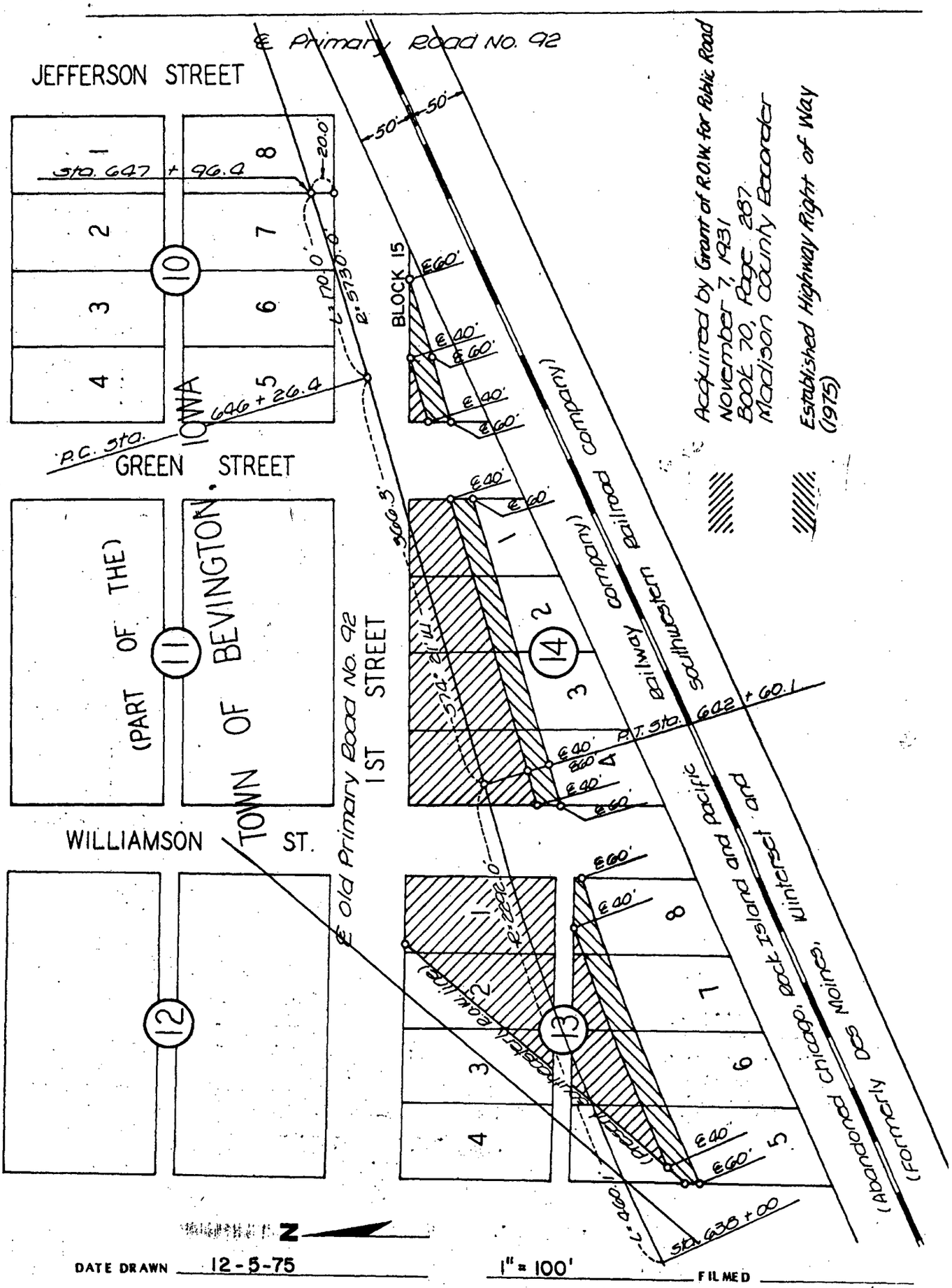
DATE DRAWN 12-5-75 — 1" = 100' — FILMED —

Form 684-077
6-75

IOWA DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY PLAT
EXHIBIT "A"

COUNTY MADISON — STATE CONTROL NO. —
PROJECT NO. P-764 — PARCEL NO. —
SECTION 25 — TOWNSHIP 76N — RANGE 26W
ROW - FEE 1.24 AC, EASE — AC, EXCESS - FEE — AC
ACQUIRED FROM CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY, ET AL



DATE DRAWN 12-5-75 — 1" = 100' — FILMED

627

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. 92 in the Town of Bevington located in Madison County, Iowa
Project No. P-764
Group "A"

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

Madison County, Iowa

An Application for Condemnation having been filed with me by the Iowa 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	QUALIFICATION
Bert Smith	Winterset	Licensed Real Estate Salesman or Broker
Ole Olson	Winterset	
Kenneth Ritter	Winterset	Knowledgeable of Property Values by Virtue of Occupation
Irvin Martens	Winterset	
Jack Hilton	Winterset	~~Knowledgeable of~~ Other Than Agricultural
Earl Crawford	Winterset	

I further designate, select, and appoint the above named Bert Smith 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 3rd day of March, 1976.

Robert A. Halladay
Chief Judge of the Fifth Judicial District, Inluding Madison County

Filed in my office at 11:20, Iowa this Mar day of 1976.

Reg Rouse
Sheriff of Madison County, Iowa

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. 92 in the Town of

Bevington

SUMMONS TO COMMISSIONERS

located in Madison County, Iowa

Project No. P-764

Group "A"

TO: Burt Smith, 624 S. 8th Ave., 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 Burt Smith 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 20th day of April ,1976 , at 9:30 o'clock a.m. (cst) 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 13 day of MARCH , 1976 . 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.

Burt Smith

Filed in my office at Winterset , Iowa, this 15 day of Mar. , 1976

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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650

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. 92 in the Town of Bevington

located in Madison County, Iowa

Project No. P-764

Group "A"

Form 493

Rec'd 3-18-76 10:30 am

SUMMONS TO COMMISSIONERS

TO: Jack Hilton, 112 S. 8th Ave., 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 Burt Smith 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 20th day of April ,19 76 , at 9:30 o'clock a.m. (cst) 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.

_____

Filed in my office at Winterset , Iowa, this 18 day of March , 1976.

Jack Hilton

Rex Rouse
Sheriff of Madison County, Iowa

Rex Rouse 3-18-76

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. 92 in the Town of

Bevington

Form 493

SUMMONS TO COMMISSIONERS

located in Madison County, Iowa

Project No. P-764

Group "A"

RECEIVED
3-11-76 10AM
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

TO: Ole Olson, 623 W. Washington, 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 Burt Smith 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 20th day of April ,1976 , at 9:30 o'clock a.m. (cst) 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 11 day of Mar. , 1976.
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.

Ole Olson

Filed in my office at Winterset , Iowa, this 11th day of Mar. , 1976

Rex Rouse
Sheriff of Madison County, Iowa

REFUSAL TO SERVE

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

_____

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

Form 493

Primary Road No. 92 in the Town of Bevington

SUMMONS TO COMMISSIONERS

located in Madison County, Iowa

Project No. P-764

Group "A"

TO: Earl Crawford, 610 W. Washington, 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 Burt Smith 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 20th day of April, 1976, at 9:30 o'clock a.m. (cst) for the purpose of qualifying as such commission, and proceed to view said premises and make an award of damages as by law provided.

Rex Rouse
Sheriff of Madison County, Iowa

ACCEPTANCE OF SERVICE

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

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

Earl Crawford

Filed in my office at Winterset, Iowa, this 18 day of March, 1976.

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. 92 in the Town of Bevington

located in Madison County, Iowa

Project No. P-764

Group "A"

Form 493

SUMMONS TO COMMISSIONERS

TO: Kenneth Ritter, 133 S. 10th Ave., 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 Burt Smith 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 20th day of April ,19 76 at 9:30 o'clock a.m. (cst) 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 12th day of March, 19 76.
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.

Filed in my office at Winterset, Iowa, this 15 day of March, 1976.

Rex Rouse
Sheriff of Madison County, Iowa

REFUSAL TO SERVE

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

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

Primary Road No. 92 in the Town of Bevington

located in Madison County, Iowa

Project No. P-764

Group "A"

Form 493

SUMMONS TO COMMISSIONERS

TO: Irvin Martens, Winterset, Iowa

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

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of 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 Burt Smith 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 20th day of April ,19 76, at 9:30 o'clock a.m. (cst) 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.

Irvin F. Martens

Filed in my office at Winterset, Iowa, this 16 day of March, 1976.

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 Department of Transportation for the Use and Benefit of the State of Iowa in the Improvement of

Primary Road No. 92 in the Town of

Bevington

located in Madison County, Iowa

Project No. P-764

Group "A"

Form 495, Sheet 1

NOTICE

Rec'd 3-11-76

TO:

Chicago, Rock Island and Pacific Railroad Company, c/o Bennett A. Webster, R.A., 500 Bankers Trust Building, Des Moines, Iowa
Robert Anderson, Bevington, Iowa
Any and All Unknown Heirs, Successors, and Assigns of John Williamson
Town of Bevington, Iowa, c/o Town Clerk, Bevington, 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:

Parts of the SE¼NE¼ and NE¼SE¼ of Sec. 25, T76N, R26W of the 5th P.M., in the Town of Bevington, 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 plats Exhibits "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 and as shown on the plats Exhibits "A" attached hereto and by reference made a part hereof:

Seven parcels of land located in the Town of Bevington, Iowa, in Sec. 25, T76N, R26W of the 5th P.M., Madison County, Iowa, lying on both sides of part of the following described centerline of Primary Road No. 92.

The centerline of Primary Road No. 92, designated by station points 100 feet apart, numbered consecutively from westerly to easterly, is described as follows: Beginning at Sta. 647+96.4, a point 20.0 ft. north of the southwest corner of Lot 8, Block 10 in the said Town of Bevington, said point being on the west line of said Lot 8, thence southwesterly 170.0 ft. along a 5730.0 ft. radius curve, concave northwesterly and tangent to the following course to Sta. 646+26.4, thence S74°21'W 366.3 ft. to Sta. 642+60.1, thence southwesterly 460.1 ft. along a 2292.0 ft. radius curve, concave southeasterly and tangent to the preceding course to Sta. 638+00.

Said parcels are described as follows: All that part of Block 15 in said Town of Bevington that lies northwesterly of a line beginning at a point 40 ft. normally distant southeasterly from the above described centerline, on the west line of said Block 15, thence to a point 40 ft. radially distant southeasterly from the above described centerline, on the north line of said Block 15.

Also, all that part of Block 14 in said Town of Bevington that lies northwesterly of a line beginning at a point 40 ft. radially distant southeasterly from the above described centerline, on the west line of Lot 4 of said Block 14, thence concentric with or parallel to the above described centerline to a point 40 ft. normally distant southeasterly from said centerline, on the east line of Lot 1 of said Block 14.

Also, all that part of Lots 1, 2 and 3 of Block 13 in said Town of Bevington that lies southeasterly of the southeasterly right of way line of Old Primary Road No. 92.

Also, all that part of Lots 5, 6, 7 and 8 of Block 13 in said Town of Bevington that is bounded on the northwest by the southeasterly right of way line of Old Primary Road No. 92 and bounded on the southeast by a line beginning at a point 40 ft. radially distant southeasterly from the above described centerline, on said southeasterly right of way line of Old Primary Road No. 92, thence concentric with the above described centerline to a point 40 ft. radially distant southeasterly from said centerline, on the north line of said Lot 8.

Note: The preceding four parcels of land contain 0.95 acre, more or less.

Said property is described in a certain grant of right of way for public road purposes executed by the Chicago, Rock Island and Pacific Railway Company on November 7, 1931 and recorded in the Madison County Recorder's Office on January 31, 1933, and occuring in Book 70, Page 287.

Also, all that part of Block 15 in said Town of Bevington which is bounded on the northwest by a line beginning at a point 40 ft. normally distant southeasterly from the above described centerline, on the west line of said Block 15, thence to a point 40 ft. radially distant southeasterly from the above described centerline, on the north line of said Block 15, and bounded on the southeast by a line beginning at a point 60 ft. normally distant southeasterly from the above described centerline, on the west line of said Block 15, thence parallel to or concentric with the above described centerline to a point 60 ft. radially distant southeasterly from said centerline, on the north line of said Block 15.

Also, all that part of Block 14 in said Town of Bevington which is bounded on the northwest by a line beginning at a point 40 ft. radially distant southeasterly from the above described centerline, on the west line of Lot 4 of said Block 14, thence concentric with or parallel to the above described centerline to a point 40 ft. normally distant southeasterly from said centerline, on the east line of Lot 1 of said Block 14; and bounded on the southeast by a line beginning at a point 60 ft. radially distant southeasterly from the above described centerline, on the west line of said Lot 4, thence concentric with or parallel to the above described centerline to a point 60 ft. normally distant southeasterly from said centerline, on the east line of said Lot 1.

Also, all that part of Lots 5, 6, 7 and 8 of Block 13 in said Town of Bevington which is bounded on the northwest by the southeasterly right of way line of Old Primary Road No. 92 and by a line beginning at a point 40 ft. radially distant southeasterly from the above described centerline, on the southeasterly right of way line of Old Primary Road No. 92, thence concentric with the above described centerline to a point 40 ft. radially distant southeasterly from said centerline, on the north line of said Lot 8 and bounded on the southeast by a line beginning at a point 60 ft. radially distant southeasterly from the above described centerline, on the west line of said Lot 5, thence concentric with the above described centerline to a point 60 ft. radially distant southeasterly from said centerline, on the east line of said Lot 8.

The preceding 3 parcels of land contain 0.29 acre, more or less.

A parcel of land located in the Town of Bevington, Iowa, in Sec. 25, T76N, R26W of the 5th P.M., Madison County, Iowa, lying on the southeasterly side of part of the following described centerline of Primary Road No. 92.

The centerline of Primary Road No. 92, designated by station points 100 feet apart, numbered consecutively from westerly to easterly, is described as follows: Beginning at Sta. 647+96.4, a point 20.0 ft. north of the southwest corner of Lot 8, Block 10 in the said Town of Bevington, said point being on the west line of said Lot 8, thence northeasterly 601.7 ft. along a 5730.0 ft. radius curve, concave northwesterly to Sta. 653+98.1.

Said parcel is described as follows: All that part of the Chicago, Rock Island and Pacific Railroad Co. abandoned right of way that lies northwesterly of a line beginning at a point 60 ft. radially distant southeasterly from the above described centerline, on the northerly right of way line of said railroad, thence concentric with the above described centerline to a point 60 ft. radially distant southeasterly from said centerline, on the east line of said Sec. 25; containing 0.18 acre, more or less.

In connection with this condemnation proceeding it is specifically provided that any and all improvements, including fences, and advertising devices, if any, located wholly within the land sought in fee simple title are condemned in their entirety.

BBB

RETURN OF SERVICE — GOVERNMENTAL BODY

STATE OF IOWA, Madison County, ss.

The within Notice came into my hands on the 11th day of March, 19 76

and on the 12th day of March, 19 76, 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

Rex Rouse

of Madison County

By

Deputy.

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

637

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 11th day of March, 19 76, 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
~~Robert Anderson~~	~~March~~	~~12th~~				
Robert Anderson	March	12th	1976	Bevington	Warren	Iowa

Fees:
Service $ 5,00
Mileage $ 3,60
Total $ 8,60

Rex Rouse

Rex Rouse
Sheriff, Madison County, Iowa

By, _____ Deputy

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 20th day of April, 1976, at 10:00 o'clock, a.m. (CST) 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, which will be in the Sheriff's office in Winterset, Iowa.

IOWA DEPARTMENT OF TRANSPORTATION

RICHARD C. TURNER
Attorney General of Iowa

BY Asher E. Schroeder

ASHER E. SCHROEDER
Special Assistant Attorney
General and Counsel to the
Department of Transportation
Highway Division
Ames, Iowa 50010

BBB

RETURN OF SERVICE — GOVERNMENTAL BODY

STATE OF IOWA, Madison County, ss.

The within Notice came into my hands on the 11th day of March, 1976 and on the 12th day of March, 1976, I served the same upon the Town of Bevington, Iowa

by offering to read the same to Alice Bussanmas, he being the Clerk of said Governmental Body, which he waived, and by giving him a true copy thereof, all done in Crawford Township, Madison County, Iowa.

FEES

Service - - - $_____

Copies - - - $_____

Mileage - - - $_____

Total - - - $_____

Rex Rouse

Rex Rouse

of Madison County

By _____
Deputy.

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

See PREVIOUS PAGES

640

Form 884-077
6-75

IOWA DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY PLAT
EXHIBIT "A"

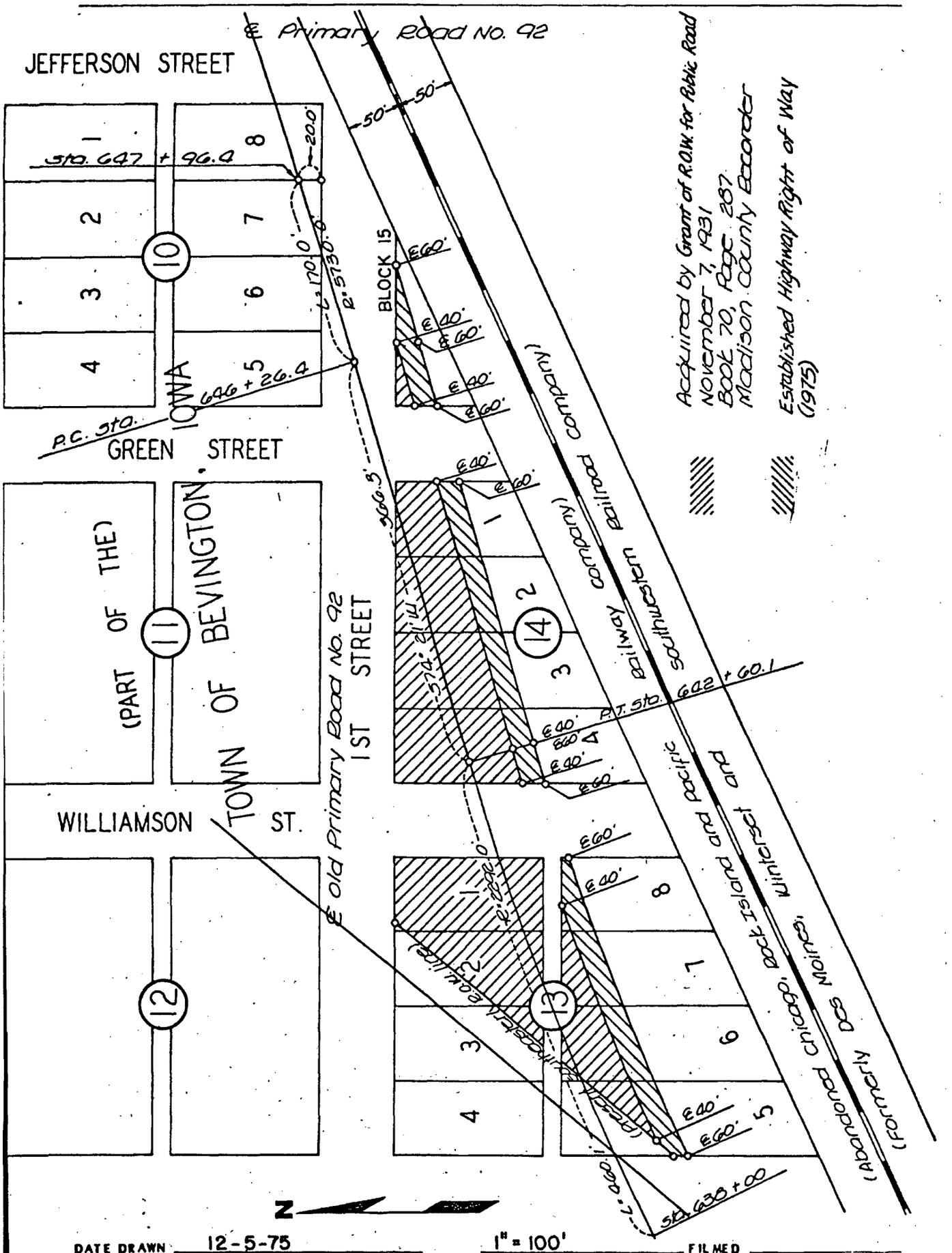
COUNTY MADISON STATE CONTROL NO.

PROJECT NO. P-764 PARCEL NO.

SECTION 25 TOWNSHIP 76N RANGE 26W

ROW - FEE 1.24 AC, EASE AC, EXCESS - FEE AC

ACQUIRED FROM CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY, ET AL



DATE DRAWN 12-5-75 1" = 100' FILMED

Form 634-027
6-75

IOWA DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY PLAT
EXHIBIT "A"

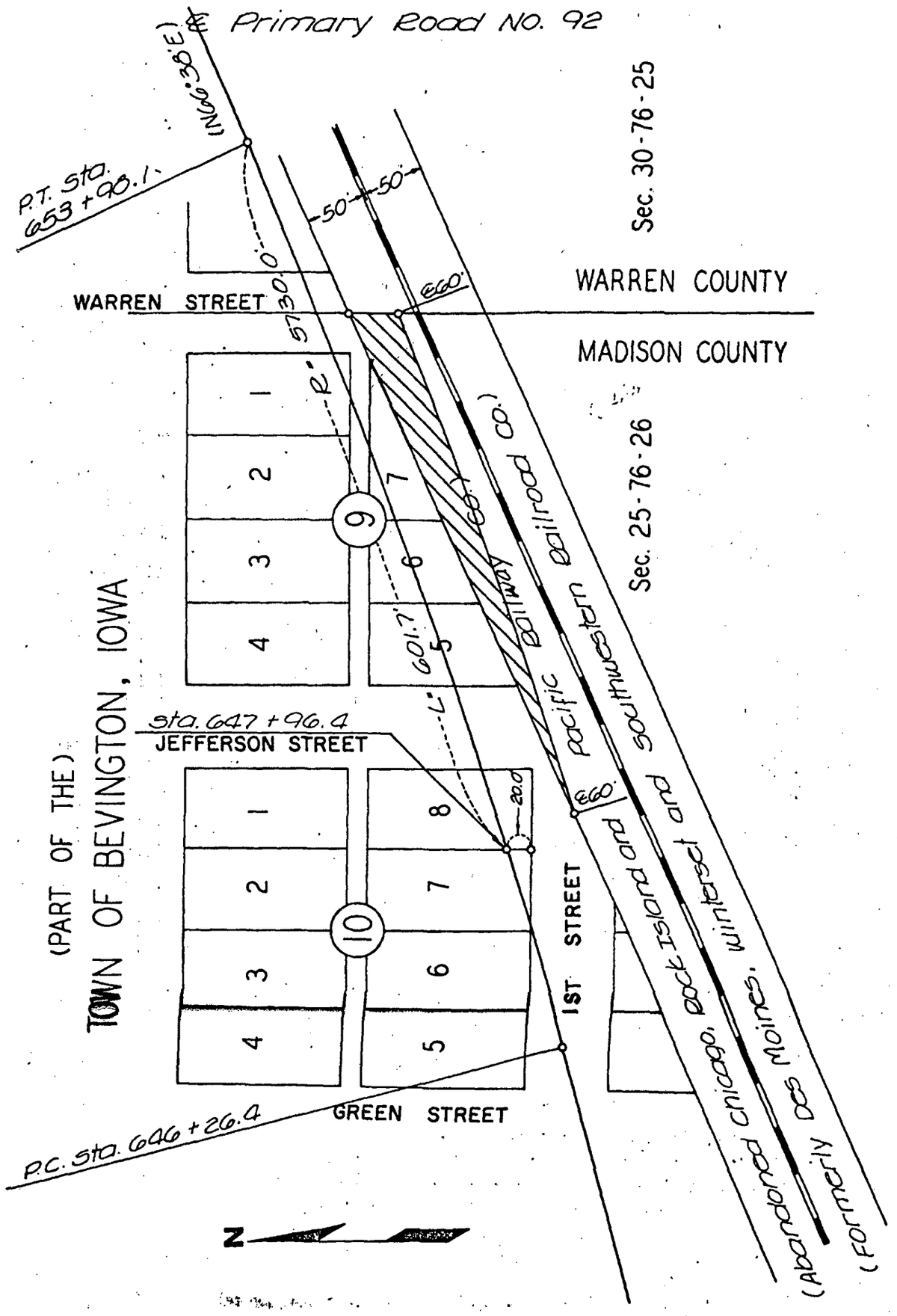
COUNTY MADISON — STATE CONTROL NO. —

PROJECT NO. P-764 — PARCEL NO. —

SECTION 25 — TOWNSHIP 76N — RANGE 26W

ROW - FEE 0.18 AC, EASE — AC, EXCESS - FEE — AC

ACQUIRED FROM CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY, ET AL



DATE DRAWN 12-5-75 — 1" = 100' — FILMED —

641

AFFIDAVIT OF PUBLICATION

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

Primary Road No. 92 in the Town of

Bevington

located in Madison County, Iowa

Project No. P-764

Group "A", Parcel 1

STATE OF IOWA)
) SS.
COUNTY OF STORY)

I, Asher E. Schroeder, being duly sworn, depose and say that I am Attorney for the State Department of Transportation in the above-entitled matter and that a diligent search and inquiry has been made within the State of Iowa upon:

Any and All Known and Unknown Heirs, Successors and Assigns of John Williamson

but none could be found or are known, and personal service of Notices could not be made in the matter.

Asher E. Schroeder

Asher E. Schroeder
Special Assistant Attorney General and General Counsel to the Department of Transportation

Subscribed and sworn to before me this 10th day of March, 1976.

Karen Hodnefield

Notary Public in and for the State of Iowa

KAREN HODNEFIELD IOWA NOTARIAL SEAL

STATE OF IOWA

Madison County

PUBLIC NOTICE

NOTICE

In the Matter of the Condemnation of Certain Rights in Land by the Iowa Department of Transportation for the Use and Benefit of the State of Iowa in the Improvement of Primary Road No. 92 in the Town of Bevington located in Madison County, Iowa

Project No. P-764

Group "A"

TO:

Chicago, Rock Island and Pacific Railroad Company, c-o Bennett A. Webster, R.A., 500 Bankers Trust Building, Des Moines, Iowa

Robert Anderson, Bevington, Iowa

Any and All Unknown Heirs, Successors and Assigns of John Williamson

Town of Bevington, Iowa, c-o Town Clerk, Bevington, 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:

Parts of the SE¼NE¼ and NE¼SE¼ of Sec. 25, T76N, R26W of the 5th P.M., in the Town of Bevington, 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 plats Exhibits "A" attached 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 and as shown on the plats Exhibits "A" by reference made a part hereof:

Seven parcels of land located in the Town of Bevington, Iowa, in Sec. 25, T76N, R26W of the 5th P.M., Madison County, Iowa, lying on both sides of part of the following described centerline of Primary Road No. 92.

The centerline of Primary Road No. 92, designated by station points 100 feet apart, numbered consecutively from westerly to easterly, is described as follows: Beginning at Sta. 647+96.4, a point 20.0 ft. north of the southwest corner of Lot 8, Block 10 in the said Town of Bevington, said point being on the west line of said Lot 8, thence southwesterly 170.0 ft. along a 5730.0 ft. radius curve, concave northwesterly and tangent to the following course to Sta. 646+26.4, thence S74 degrees 21'W 366.3 ft. to Sta. 642+60.1, thence southwesterly 460.1 ft. along a 2292.0 ft. radius curve, concave southeasterly and tangent to the preceding course to Sta. 638+00.

Said parcels are described as follows: All that part of Block 15 in said town of Bevington that lies northwesterly of a line beginning at a point 40 ft. normally distant southeasterly from the above described centerline, on the west line of said Block 15, thence to a point 40 ft. radially distant southeasterly from the above described centerline, on the north line of said Block 15.

Also, all that part of Block 14 in said Town of Bevington that lies northwesterly of a line beginning at a point 40 ft. radially distant southeasterly from the above described centerline, on the west line of Lot 4 of said Block 14, thence concentric with or parallel to the above described centerline to a point 40 ft. normally distant southeasterly from said centerline, on the east line of Lot 1 of said Block 14.

Also, all that part of Lots 1, 2 and 3 of Block 13 in said Town of Bevington that lies southeasterly of the southeasterly right of way line of Old Primary Road No. 92.

Also, all that part of Lots 5, 6, 7 and 8 of Block 13 in said Town of Bevington that is bounded on the northwest by the southeasterly right of way line of Old Primary Road No. 92 and bounded on the southeast by a line beginning at a point 40 ft. radially distant southeasterly from the above described centerline, on said southeasterly right of way line of Old Primary Road No. 92, thence concentric with the above described centerline to a point 40 ft. radially distant southeasterly from said centerline, on the north line of said Lot 8.

Note: The preceding four parcels of land contain 0.95 acre, more or less.

Said property is described in a certain grant of right of way for public road purposes executed by the Chicago, Rock Island and Pacific Railway Company on November 7, 1931 and recorded in the Madison County Recorder's Office on January 31, 1933, and occuring in Book 70, Page 287.

643

Affidavit of Publication

ss. John Gorman BEING DULY SWORN

SAYS HE IS publisher OF THE

which will be in the Sheriff's office in Winterset, Iowa.

IOWA DEPARTMENT OF TRANSPORTATION
Richard C. Turner
Attorney General of Iowa
By Asher E. Schroeder
Special Assistant Attorney General and Counsel to the Department of Transportation
Highway Division
Ames, Iowa 50010
39-40-41-42

IAN, a ____ weekly newsion, published in Winterset, , a copy of which is annexed is correctly published in said

of four consecutive weeks

of being on the 7th day

, 1976

John Gorman

Subscribed and sworn to before me this 8th day

of April, 1976

Lucille C. Hanson

NOTARY PUBLIC
In and for Madison Co

Fee $ 216.34

4-21-76

LUCILLE C. HANSON
NOTARIAL SEAL
IOWA

Also, all that part of Block 15 in said Town of Bevington which is bounded on the northwest by a line beginning at a point 40 ft. normally distant southeasterly from the above described centerline, on the west line of said Block 15, thence to a point 40 ft. radially distant southeasterly from the above described centerline, on the north line of said Block 15, and bounded on the southeast by a line beginning at a point 60 ft. normally distant southeasterly from the above described centerline, on the west line of said Block 15, thence parallel to or concentric with the above described centerline to a point 60 ft. radially distant southeasterly from said centerline, on the north line of said Block 15.

Also, all that part of Block 14 in said Town of Bevington which is bounded on the northwest by a line beginning at a point 40 ft. radially distant southeasterly from the above described centerline, on the west line of Lot 4 of said Block 14, thence concentric with or parallel to the above described centerline to a point 40 ft. normally distant southeasterly from said centerline, on the east line of Lot 1 of said Block 14; and bounded on the southeast by a line beginning at a point 60 ft. radially distant southeasterly from the above described centerline, on the west line of said Lot 4, thence concentric with or parallel to the above described centerline to a point 60 ft. normally distant southeasterly from said centerline, on the east line of said Lot 1.

Also, all that part of Lots 5, 6, 7 and 8 of Block 13 in said Town of Bevington which is bounded on the northwest by the southeasterly right of way line of Old Primary Road No. 92 and by a line beginning at a point 40 ft. radially distant southeasterly from the above described centerline, on the southeasterly right of way line of Old Primary Road No. 92, thence concentric with the above described centerline to a point 40 ft. radially distant southeasterly from said centerline, on the north line of said Lot 8 and bounded on the southeast by a line beginning at a point 60 ft. radially distant southeasterly from the above described centerline, on the west line of said Lot 5, thence concentric with the above described centerline to a point 60 ft. radially distant southeasterly from said centerline, on the east line of said Lot 8.

The preceding 3 parcels of land contain 0.29 acre, more or less.

A parcel of land located in the Town of Bevington, Iowa, in Sec. 25, T76N, R26W of the 5th P.M., Madison County, Iowa, lying on the southeasterly side of part of the following described centerline of Primary Road No. 92.

The centerline of Primary Road No. 92, designated by station points 100 feet apart, numbered consecutively from westerly to easterly, is described as follows: Beginning at Sta. 647+96.4, a point 20.0 ft. north of the southwest corner of Lot 8, Block 10 in the said Town of Bevington, said point being on the west line of said Lot 8, thence northeasterly 601.7 ft. along a 5730.0 ft. radius curve, concave northwesterly to Sta. 653+98.1.

Said parcel is described as follows: All that part of the Chicago, Rock Island and Pacific Railroad Co. abandoned right of way that lies northwesterly of a line beginning at a point 60 ft. radially distant southeasterly from the above described centerline, on the northerly right of way line of said railroad, thence concentric with the above described centerline to a point 60 ft. radially distant southeasterly from said centerline, on the east line of said Sec. 25; containing 0.18 acre, more or less.

In connection with this condemnation proceeding is specifically provided that any and all improvements, including fences, and advertising devices, if any, located wholly within the land sought in fee simple title are condemned in their entirety.

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 20th day of April, 1976, at 10:30 o'clock, a.m. (CST) 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,

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

Form 494

Primary Road No. 92 in the Town of

OATH OF COMMISSIONERS

Bevington

located in Madison County, Iowa

Project No. P-764

Group "A"

- - - - - - - - - - -

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 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.

Burt Smith
Name:
Licensed Real Estate Salesman or Broker

Jarrell L. Olson
Name:
Licensed Real Estate Salesman or Broker

Irene K. Masters
Name:
Knowledgeable of Property Values by Virtue of Occupation

Dewitt Ritter
Name:
Knowledgeable of Property Values by Virtue of Occupation

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

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

Subscribed and sworn to before me this 20th day of April, 1976.

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

Filed in my office at Winterset, Iowa, this 20th day of April, 1976.

Rex Rouse
Sheriff of Madison County, Iowa

645

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

AFFIDAVIT OF FINAL OFFER

Primary Road No. 92 in the Town of

Bevington

located in Madison County, Iowa

Project No. P-764

Group "A"

On this the 20th day of Apr. 1, 1976, comes the Iowa Department of Transportation 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) $ 0.00 None

PARCEL 1 -
Bevington Town Clerk

Madison County Treasurer

Any and All Unknown Heirs, Successors and
Assigns of John Williamson

IOWA DEPARTMENT OF TRANSPORTATION

BY: Gordon A. Sweitzer
Gordon A. Sweitzer
Right of Way Director by Robert L. Martin
Condemnation Agent

Subscribed and sworn to before me this 20th day of Apr. 1, 1976.

Ila L. Silverthorn, Deputy Clerk
~~Notary Public in and for the State of Iowa~~

Filed in my office at Winterset, Iowa, this 20th day of Apr. 1, 1976.

Reg Ponse
Sheriff of Madison County, Iowa

Form 634-099
1-76

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

Primary Road No. 92 in the Town of Bevington

located in Madison County, Iowa

Project No. P-764

Group "A"

Parcel No. 1

NOTICE OF APPRAISEMENT OF DAMAGES AND TIME FOR APPEAL

TO:

	Land & Improvements	Consequential Damages	Total Award	Condemnees' Atty. Fees and Costs
Bevington Town Clerk	$	$	$ -0-	$
Madison County Treasurer	$	$	$ -0-	$
Any and All Unknown Heirs, Successors and Assigns of John Williamson	$	$	$ -0-	$
	$	$	$	$
	$	$	$	$

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 this Notice, appeal to the district dourt as by law provided.

Date: 20th Day of April, 1976

Reyo Ronse

SHERIFF OF MADISON COUNTY, IOWA

647

648

Back

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. 92 in the Town of

Bevington

located in Madison County

Project No. P-764

Group "A"

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 1 -- Town of Bevington,	$ 0	$	$	$
Iowa, c/o Town Clerk;	$	$	$ -0-	$
Madison County Treasurer	$	$	$ -0-	$
	$	$	$	$
Any and All Known and Unknown	$	$	$ -0-	$
Heirs, Successors and Assigns	$	$	$	$
of John Williamson	$	$	$	$
	$	$	$	$
	$	$	$	$
	$	$	$	$
	$	$	$	$
	$	$	$	$

Respectfully reported at Winterset, Iowa, this 20 day of April, 1976

Burton J. Smith

Everett Teeter

Irvin K. Mantzke

Carl C. Grandstaff

Jack Hilton

Farrell L. Olson

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 20th day of April, 1976

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. 92 in the Town of Bevington

located in Madison County, Iowa

Project No. P-764

Group "A"

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 20th day of April, 1976, the attached Notices of Appraisement of Damages and Time for Appeal to each of the persons to which they are addressed.

Rep Ranse

SHERIFF OF MADISON COUNTY, IOWA

650

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. P-764 Group "A"

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 20th day of April, 1976, and thereupon proceeded to view the premises and said commissioners did thereafter on the 20th day of April, 1976, file their report in my office awarding damages as follows:

NAME	AMOUNT
Parcel #1 - Town of Bevington, Ia. % Town Clerk	$ -0-
Madison County, Ia.	-0-
Any and All Known and Unknown Heirs, Successors and Assigns of John Williamson	-0-
TOTAL DAMAGES AWARDED	$ -0-

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
3-12-76	Town of Bevington, Ia.	3.00	24		3.60	8.60
3-12-76	Madison County, Ia.	1.00			~~3.00~~	
3-12-76	Robert Anderson	1.00			~~3.00~~	~~5.60~~

Sheriff, Summoning and attending commissioners . . . . . $~~7.50~~ 30.00

Sheriff, Mileage while attending commissioners, 24 Miles @ ~~.10~~ .15

$ 3.60

xBxx Burt Smith of Winterset, Iowa

1	day service	$ 50.00
	miles at .10~~15~~	1.00
	meals	
Lodging	Hotel	
	Total	$51.00

Jack Hilton of Winterset, Iowa

1	day service	$ 50.00
	miles at .10~~15~~	1.00
	meals	
Lodging	Hotel	
	Total	$ 51.00

Lowell L. Olson of Winterset, Iowa

1	day service	$ 50.00
	miles at .10~~15~~	1.00
	meals	
Lodging	Hotel	
	Total	$51.00

Earl E. Crawford of Winterset, Iowa

1	day service	$ 50.00
	miles at .10~~15~~	1.00
	meals	
Lodging	Hotel	
	Total	$ 51.00

Irvin W. Martens of Winterset, Iowa

1	day service	$ 50.00
~~xx~~ 24	miles at .10~~15~~	3.60
	meals	
Lodging	Hotel	
	Total	$ 53.60

Kenneth Ritter of Winterset, Iowa

1	day service	$ 50.00
24	miles at .10~~15~~	3.60
	meals	
Lodging	Hotel	
	Total	$ 53.60

Given under my hand this 20th day of April, ~~19~~ 1976.

Rex Rouse

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.

Dated this 20th day of April, 19 76.

Rex Rouse
Sheriff of Madison County

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		3.60	8.60
2.	Summoning commissioners		3.12		3.12
3.	Sheriff attending commissioners	30.00		3.60	33.60
	Totals	$35.00	3.12	7.20	$45.32

4. COMMISSIONERS EXPENSES

Burt Smith 1 day service and mileage	$ 51.00
Jack Hilton 1 day service and mileage	51.00
Lowell L. Olson 1 day service and mileage	51.00
Earl E. Crawford 1 day service and mileage	51.00
Irvin W. Martens 1 day service and mileage	53.60
Kenneth Ritter 1 day service and mileage	53.60
Total	$311.20

5. DAMAGES AWARDED:

Parcel 1 - Town of Bevington, Iowa % Town Clerk	-0-
Madison County, Iowa	-0-
Any and All Known and Unknown Heirs, Successors and Assigns of John Williamson	-0-
Total	-0-

RECAPITULATION

Total Damages awarded	$ -0-
Total Sheriff's costs	45.32
Total Commissioner's Expenses	311.20
Grand Total	$356.52

Certified a true statement of condemnations awards and expense in connection with: "In the Matter of the Condemnation of Certain Real Estate for Primary Road Purpose by the State Highway Commission of the State of Iowa, in Madison County, Project No. P-764 Group "A", and the Original copies thereof on this 20th day of April, 1976.

Rex Rouse

Rex Rouse, Sheriff of Madison County, Iowa