Eugene I. Kirkland by Madison County Sheriff
To
Madison County, Iowa

#1666

No Fee

CONDEMNATION PROCEEDINGS

IN THE MATTER OF THE APPLICATION BY MADISON COUNTY, IOWA, FOR THE APPOINTMENT OF COMMISSIONERS TO ASSESS DAMAGES FOR THE TAKING OF REAL ESTATE FOR ROAD IMPROVEMENT PURPOSES :

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

Filed for record the 16 day of October A. D. 1967 at 4:11 o'clock P.M.

Mary E. Welty, Recorder
Received 7-13-67 10:05 A.M. D.R.
Madison County Sheriff
Winterset, Iowa

APPLICATION TO SHERIFF FOR CONDEMNATION OF PROPERTY

Abstract Rec 126-598
Lien released filed 5-02-1990
To Landlines Condemnation

MATT PARROTT & SONS CO., WATERLOO, IOWA 66-4316

WHEREAS, the undersigned, Madison County, Iowa, a corporation, is desirous of acquiring an easement for road purposes of certain real estate and relocating a public highway as the same now proceeds through the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of Section Eleven (11) Township Seventy-four (74) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa, and

WHEREAS, the said Madison County cannot agree with the owner of the real estate hereinafter described as to the compensation to be paid therefore, nor as to the taking of said real estate, and,

WHEREAS, said Madison County, Iowa, is desirous of having said real estate condemned and appropriated to it for such purposes under its powers as provided by law of the State of Iowa, for such purposes, to-wit: Chapter 471 and 472 of the 1966 Code of Iowa, and any and all other pertinent statutory provisions, and,

WHEREAS, it is necessary and proper and within the powers of Madison County, Iowa, that said real estate should be condemned and appropriated for such purposes, the same being public purposes, and,

WHEREAS, the property sought to be condemned under this Application is described in Exhibit "A" attached hereto, and made a part hereof, and,

WHEREAS, there is attached to this Application a plat showing the location of property sought to be affected by condemnation under these proceedings and the location of improvements and relocations, which plat is marked Exhibit "B" and made a part of this Application, and,

WHEREAS, the record owners of said real estate and their spouses, if any, and the record holders of any and all liens and encumbrances of said real estate, if any, together with each and all of their respective places of residence, so far as known to this Applicant are as follows, to-wit:

The Owners:	Place of Residence	Post Office Address
Eugene I. Kirkland	Huntsville, Alabama	1109 Edgewood Ave. S.E. Huntsville, Ala.
Name of Mortgage or Lien Holder:	None	
Name of Lessee: Doyle Schultz, Macksburg, Iowa		Macksburg, Iowa
Name of Easement Holder:	None	

NOW, THEREFORE, this Applicant, Madison County, Iowa, requests that you appoint six disinterested freeholders of Madison County, Iowa, who are not interested in the same or a like question to inspect the said real estate hereinbefore described and to assess the damages for all claims of every kind and nature including the right of lateral support, the right to light, air, and view and any other consequential damages, if any, sustained by the owners and any other persons interested in said real estate, by reason of the taking, acquiring, appropriating and condemnation of said real estate for all of said purposes hereinbefore stated by Madison County, Iowa, and you are requested to proceed in connection with this Application as provided by law.

Dated this 13 day of July, 1967.

MADISON COUNTY, IOWA
By C. R. Bentz
C. R. Bentz, County Attorney in and
for Madison County, Iowa

EXHIBIT "A"

Description of real estate belonging to Eugene I. Kirkland, the subject matter of this condemnation proceeding:

The south 70.0 feet of the SE¼ SE¼ Section 11 T74N R29W of the 5th P.M. and containing 0.58 acres, more or less, exclusive of the present established highway. Approximately 77 rods barbed wire fence

Deed Record, No. 96, Madison County, Iowa

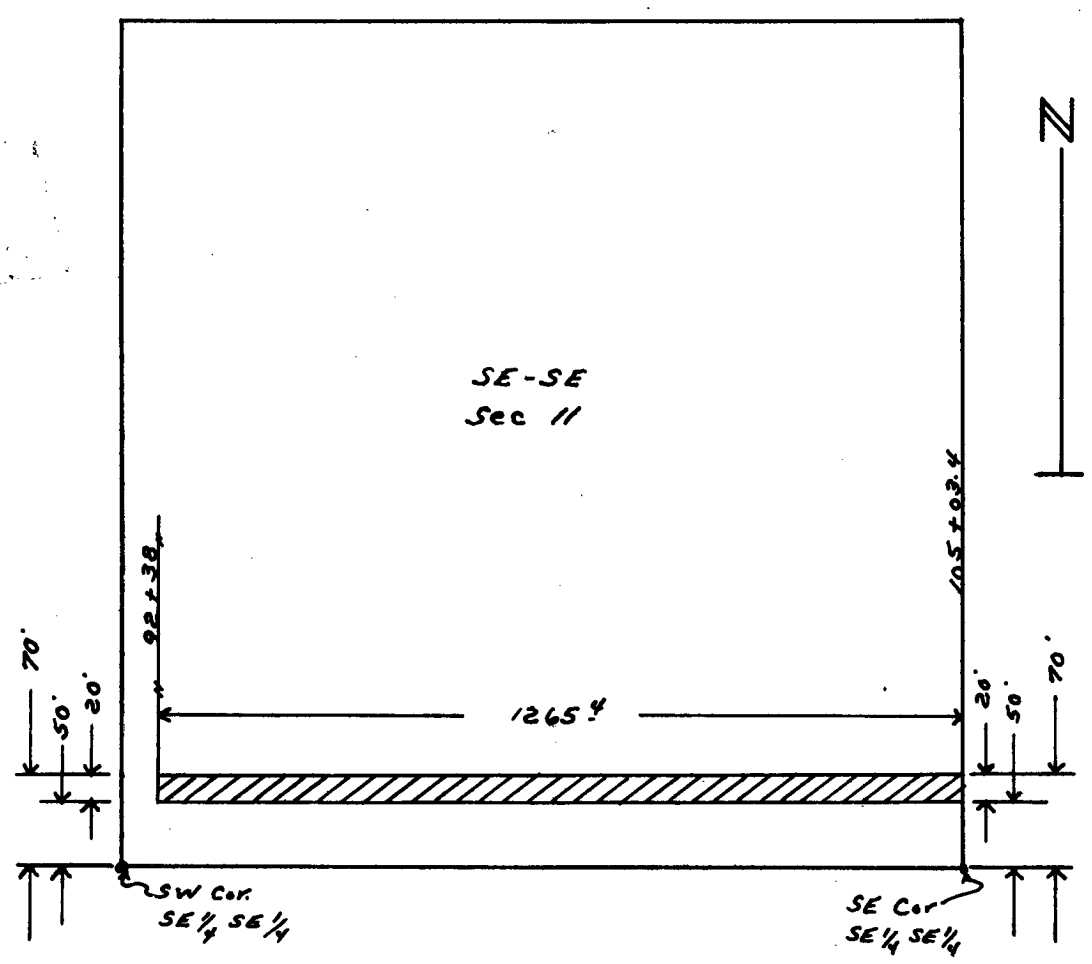
MATT PARROTT & SONS CO., WATERLOO, IOWA 66-4316

PROPERTY PLAT

Acquired from EUGENE I. KIRKLAND Married or Single _____ R.O.W. Area 0.58 Acres. Borrow Area -- Acres. Total Consideration $ -- Acquired by CONDEMNATION Date of Contract _____, 19____

LOCATION

From CL Station 92+38 to CL Station 105+03.4 Section 11, Township 74N, Range 29W Township (Civil) GRAND RIVER Iowa.



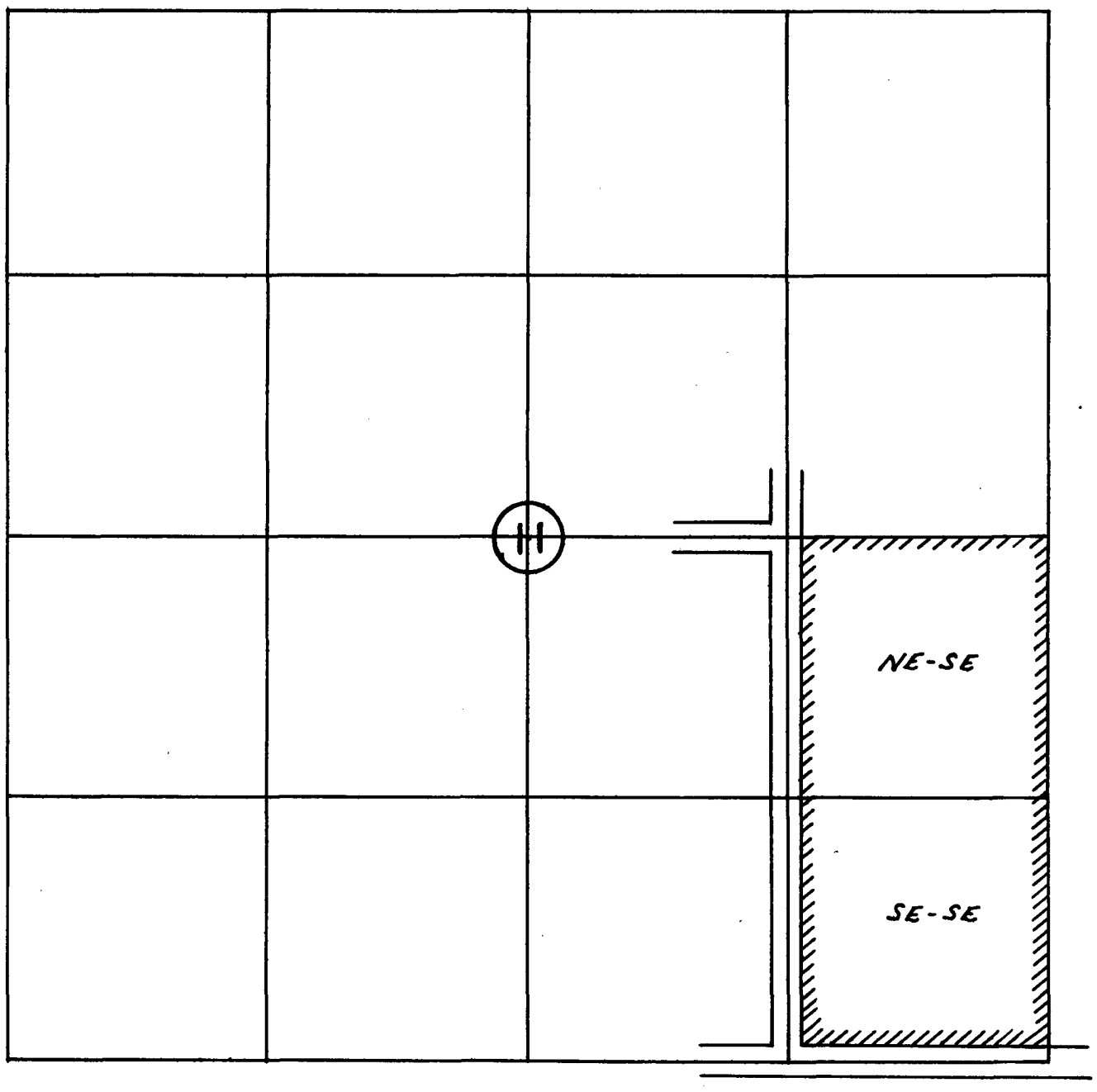
MADISON County Project No. 1-67

Exhibit "B"

Plat of Property

Of EUGENE I. KIRKLAND Arèa 80 Acres. Sta. 92+38 to Sta. 105+03.4 Section 11 T74 N-R 29 W.

MATT PARROTT & SONS CO., WATERLOO, IOWA 66-4316



MADISON COUNTY Project 1-67

IN THE MATTER OF THE APPLICATION BY MADISON COUNTY, IOWA, FOR THE APPOINTMENT OF COMMISSIONERS TO ASSESS DAMAGES FOR THE TAKING OF REAL ESTATE FOR ROAD IMPROVEMENT PURPOSES :

NOTICE OF CONDEMNATION OF PROPERTY BY MADISON COUNTY, IOWA

RECEIVED 8-14-67 9:08 A.M.
D.R.
MADISON COUNTY SHERIFF
WINTERSET, IOWA

TO: EUGENE I. KIRKLAND AND DOYLE SCHULTZ

YOU AND EACH OF YOU ARE HEREBY NOTIFIED that Madison County, Iowa, a corporation, desires the condemnation of the following described real estate, and has filed with the Sheriff of Madison County, Iowa, a written application for the condemnation of said real estate, which real estate is described as follows, to-wit:

The south 70.0 feet of the SE¼ SE¼ Section 11 T74N R29W of the 5th P.M. and containing 0.58 acres, more or less, exclusive of the present established highway. Approximately 77 rods barbed wire fence.

YOU ARE FURTHER NOTIFIED that such condemnation is sought for the purpose of widening, improving, altering and relocating the public highway which now adjoins said real estate, and for further particulars you are referred to said Application now on file with the Sheriff of Madison County, Iowa, as aforesaid.

YOU ARE FURTHER NOTIFIED that a commission of six appraisers has been appointed as provided by law for the purpose of appraising all damages which will be sustained by you and which will be caused by said condemnation of said real estate.

YOU ARE FURTHER NOTIFIED that said Commissioners will on the 23rd day of August, 1967, at 9:30 o'clock A.M. view said premises and proceed to appraise said damages, at which time you may appear before the Commissioners, if you care to do so.

MADISON COUNTY, APPLICANT
By C. R. Bentz
C. R. Bentz, County Attorney in and for
Madison County, Iowa

Executed by serving a copy of Condemnation Notice on Eugene I. Kirkland in person at

MATT PARROTT & SONS CO., WATERLOO, IOWA 66-4316

at 1109 Edgewood Drive or Avenue S.E. This 11 day of August 1967

Jerry Crabtree, Sheriff
J. Cheatham Deputy Sheriff

DOROTHY RINGGENBERG
C L E R K

OFFICE OF SHERIFF OF MADISON COUNTY
REX ROUSE, SHERIFF
EDWARD POWELL, DEPUTY
WINTERSET, IOWA 50273

TELEPHONE DAY OR NIGHT
462-3575 AREA CODE 515

RECEIVED 8-21-67 9:10 A.M.
D.R. MADISON COUNTY SHERIFF
WINTERSET, IOWA

RETURN OF ORIGINAL NOTICE

State of Alabama Madison County) ss.

The within notice received this 10th day of August, 1967, and I certify that I served the same on the defendants named below by delivering a copy thereof to each of said defendants personally at the time and place set forth below:

Eugene I. Kirkland on Aug. 11, 1967 at 1109 Edgewood Drive, Huntsville, Madison County, Alabama
Jerry Crabtree, Sheriff
By J. Cheatham
J. Cheatham, Deputy Sheriff

Subscribed and sworn to before me this 18th day of August, 1967.

(NOTARIAL SEAL)

Glenn R. Singleton Notary Public in and for Madison County, Alabama My Commission Expires January 30, 1971

Sirs:

Please have Deputy Sheriff Cheatham sign the above return of notice form in front of a notary public and return same to my office. Our civil laws in Iowa require that the signature of the officer serving the notice be notarized when such service is obtained out-of-state. Thank you kindly for your cooperation and assistance in this matter.

Yours truly,
Rex Rouse
Rex Rouse, Sheriff

RECEIPT FOR CERTIFIED MAIL - 30¢ No. 324893

Sent to Sheriff C. J. Crabtree
Street and No. Madison Co.
P.O. State and Zip Code Huntsville, Ala 35801

Winterset, Iowa
Aug. 8, 1967
Postmark or Date

RECEIPT
Received the numbered article described below

Certified No. 324893
Signature or Name of Addressee G. W. Scott
Date Delivered 8-10-67
Name of Sender Sheriff of Madison Co.
Post Office, State, and Zip Code Winterset, Iowa 50273

Postmark of Delivering Office
Huntsville, Ala, West Sta.
Aug. 10 1967

IN THE MATTER OF THE APPLICATION BY MADISON COUNTY, IOWA, FOR THE APPOINTMENT OF COMMISSIONERS TO ASSESS DAMAGES FOR THE TAKING OF REAL ESTATE FOR ROAD IMPROVEMENT PURPOSES

NOTICE OF CONDEMNATION OF PROPERTY BY MADISON COUNTY, IOWA

TO: EUGENE I. KIRKLAND AND DOYLE SCHULTZ

YOU AND EACH OF YOU ARE HEREBY NOTIFIED that Madison County, Iowa, a corporation, desires the condemnation of the following described real estate, and has filed with the Sheriff of Madison County, Iowa, a written application for the condemnation of said real estate, which real estate is described as follows, to-wit:

The south 70.0 feet of the SE¼ SE¼ Section 11 T74N R29W of the 5th P.M. and containing 0.58 acres, more or less, exclusive of the present established highway. Approximately 77 rods barbed wire fence.

YOU ARE FURTHER NOTIFIED that such condemnation is sought for the purpose of widening, improving, altering and relocating the public highway which now adjoins said real estate, and for further particulars you are referred to said Application now on file with the Sheriff of Madison County, Iowa, as aforesaid.

YOU ARE FURTHER NOTIFIED that a commission of six appraisers has been appointed as provided by law for the purpose of appraising all damages which will be sustained by you and which will be caused by said condemnation of said real estate.

YOU ARE FURTHER NOTIFIED that said Commissioners will on the 23rd day of August, 1967,

MATT PARROTT & SONS CO., WATERLOO, IOWA 66-4316

at 9:30 o'clock A.M. view said premises and proceed to appraise said damages, at which time you may appear before the Commissioners, if you care to do so.

MADISON COUNTY, APPLICANT
By C. R. Bentz
C. R. Bentz, County Attorney in and for
Madison County, Iowa

Waiver of time and acceptance of service.

Doyle Schutz

Witnessed: Rex Rouse, Sheriff

RETURN OF ORIGINAL NOTICE No._____

STATE OF IOWA MADISON COUNTY) ss.

The within notice received this 13th day of July, 1967, and I certify that I served the same on the defendants named below by delivering a copy thereof to each of said defendants personally at the time and place set opposite their respective names:

Name of Defendants	Month	Day	Year	City, Town or Township	County	State
Doyle Schutz	July	13	1967	Grand River	Madison	Iowa

Service & Copy $ .75
Mileage _____
$ .75

Rex Rouse
Official Title
Rex Rouse, Sheriff

IN THE MATTER OF THE APPLICATION BY MADISON COUNTY, IOWA, FOR THE APPOINTMENT OF COMMISSIONERS TO ASSESS DAMAGES FOR THE TAKING OF REAL ESTATE FOR ROAD IMPROVEMENT PURPOSES : APPOINTMENT AND COMMISSION

WHEREAS, written application has been made to me by Madison County, Iowa, a corporation, for the appointment of commissioners to assess the damages sustained by those having interest in certain real estate for the purpose of widening, improving, altering and relocating a part of the public highway system of Madison County, Iowa, which is more particularly described in said Application, a copy of which Application is attached to this order, marked Exhibit "A", and by this reference made a part hereof.

IT IS NOW HEREBY ORDERED that the following persons, to-wit:

Merrill Creger, Ohio Twp., Bill C. Shearer, Walnut Twp.,
Dwight Mundell, Center Twp., Roy L. Pond,
Dwight Hart, Ohio Twp., A. D. Beeler, Walnut Twp.,

being six freeholders of Madison County, Iowa, not interested in the same or a like question, be and they are hereby appointed Commissioners whose duty it shall be to inspect the real estate described in said Application and assess the damages which the owner thereof and the parties interested therein will sustain by the appropriation of such land for road purposes, for the use of Madison County, Iowa, and make report thereof in writing to the undersigned Sheriff, as provided by law, said real estate being situated in Madison County, Iowa, and described as set out in said Exhibit "A", a part hereof.

Dated at Winterset, Madison County, Iowa, this 14th day of July, 1967.

Rex Rouse Sheriff of
Madison County, Iowa.

IN THE MATTER OF THE APPLICATION BY MADISON COUNTY, IOWA, FOR THE APPOINTMENT OF COMMISSIONERS TO ASSESS DAMAGES FOR THE TAKING OF REAL ESTATE FOR ROAD IMPROVEMENT PURPOSES : APPLICATION TO SHERIFF FOR CONDEMNATION OF PROPERTY

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

WHEREAS, the undersigned, Madison County, Iowa, a corporation, is desirous of acquiring an easement for road purposes of certain real estate and relocating a public highway as the same now proceeds through the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of Section Eleven (11) Township Seventy-four (74) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa, and

WHEREAS, the said Madison County cannot agree with the owner of the real estate herein-

MATT PARROTT & SONS CO., WATERLOO, IOWA 66-4316

after described as to the compensation to be paid therefore, nor as to the taking of said real estate, and,

WHEREAS, said Madison County, Iowa, is desirous of having said real estate condemned and appropriated to it for such purposes under its powers as provided by law of the State of Iowa, for such purposes, to-wit: Chapter 471 and 472 of the 1966 Code of Iowa, and any and all other pertinent statutory provisions, and,

WHEREAS, it is necessary and proper and within the powers of Madison County, Iowa, that said real estate should be condemned and appropriated for such purposes, the same being public purposes, and,

WHEREAS, the property sought to be condemned under this Application is described in Exhibit "A" attached hereto, and made a part hereof, and,

WHEREAS, there is attached to this Application a plat showing the location of property sought to be affected by

Exhibit "A"

condemnation under these proceedings and the location of improvements and relocations, which plat is marked Exhibit "B" and made a part of this Application, and,

WHEREAS, the record owners of said real estate and their spouses, if any, and the record holders of any and all liens and encumbrances of said real estate, if any, together with each and all of their respective places of residence, so far as known to this Applicant are as follows, to-wit:

The Owners:	Place of Residence	Post Office Address
Eugene I. Kirkland	Huntsville, Alabama	1109 Edgewood Ave. S.E. Huntsville, Ala.

Name of Mortgage or Lien Holder: None

Name of Lessee: Doyle Schultz, Macksburg, Iowa — Macksburg, Iowa

Name of Easement Holder: None

NOW, THEREFORE, this Applicant, Madison County, Iowa, requests that you appoint six disinterested freeholders of Madison County, Iowa, who are not interested in the same or a like question to inspect the said real estate hereinbefore described and to assess the damages for all claims of every kind and nature including the right of lateral support, the right to light, air, and view and any other consequential damages, if any, sustained by the owners and any other persons interested in said real estate, by reason of the taking, acquiring, appropriating and condemnation of said real estate for all of said purposes hereinbefore stated by Madison County, Iowa, and you are requested to proceed in connection with this Application as provided by law.

Dated this 13 day of July, 1967.

MADISON COUNTY, IOWA
By C. R. Bentz
C. R. Bentz, County Attorney in and
for Madison County, Iowa

EXHIBIT "A"

Description of real estate belonging to Eugene I. Kirkland, the subject matter of this condemnation proceeding:

The south 70.0 feet of the SE¼ SE¼ Section 11 T74N R29W of the 5th P.M. and containing 0.50 acres, more or less, exclusive of the present established highway. Approximately 77 rods barbed wire fence

PROPERTY PLAT

Acquired from EUGENE I. KIRKLAND Married or Single _____ R.O.W. Area 0.58 Acres. Borrow Area -- Acres. Total Consideration $ -- Acquired by CONDEMNATION Date of contract _____, 19 ___

LOCATION

From CL Station 92+38 to CL Station 105+03.4 Section 11, Township 74N, Range 29W Township (Civil) GRAND RIVER Iowa.

-MATT PARROTT & SONS CO., WATERLOO, IOWA 66-4316

MADISON County Project No. 1-67

Exhibit "B"

Plat of Property

Of EUGENE I. KIRKLAND Area 80 Acres. Sta. 92+38 to Sta. 105+03.4 Section 11 T74 N-R 29W.

MATT PARROTT & SONS CO., WATERLOO, IOWA 66-4316

MADISON COUNTY Project No. 1-67

IN THE MATTER OF THE APPLICATION BY MADISON COUNTY, IOWA, FOR THE APPOINTMENT OF COMMISSIONERS TO ASSESS DAMAGES FOR THE TAKING OF REAL ESTATE FOR ROAD IMPROVEMENT PURPOSES : NOTICE TO APPRAISERS OF TIME FOR APPRAISEMENT

TO: Dwight Mundell; Merrill S. Creger; Dwight Hart; Bill C. Shearer; A. D. Beeler; Roy L. Pond:

YOU AND EACH OF YOU ARE HEREBY NOTIFIED that, having heretofore been appointed by me as appraisers to appraise the damage to certain real estate owned by Eugene I. Kirkland located in Section 11, Township 74 North, Range 29 West of the 5th P.M., Madison County, Iowa, taking and appropriating a part thereof for road purposes, which part said Madison County, Iowa, asked to have condemned in an application filed by said Madison County, Iowa, with the undersigned Sheriff on the 13th day of July, 1967, and that notice of such condemnation has been served on all the parties named in said Application as being interested in said real estate as shown by the Returns of Service thereon on file in my office, and that the time stated in said notice as the time when the Commissioners will view the premises and appraise the damages is the 23rd day of Aug., 1967, at 9:30 o'clock A.M., and that you are now and hereby notified that you are required to proceed with the appraisement of damages in connection with the condemnation of said real estate at the time and date so stated.

YOU ARE FURTHER NOTIFIED that the real estate affected by said condemnation is described in said application and in the copy of said application which is attached to this notice, marked Exhibit "A" and by this reference made a part hereof.

Dated this 8th day of Aug., 1967.

Rex Rouse Sheriff of
Madison County, Iowa

ACCEPTANCES AND ACKNOWLEDGEMENTS OF SERVICE

We, the undersigned, having been appointed as Commissioners to appraise the damages to real estate in connection with the condemnation by Madison County, Iowa, do hereby acknowledge and accept due and legal service of the above and foregoing notice this_____day of _____, 1967.

M. S. Creger
Dwight Mundell
A. D. Beeler
Roy L. Pond
Bill C. Shearer
Dwight Hart

OATH AND QUALIFICATION OF COMMISSIONERS

STATE OF IOWA MADISON COUNTY) SS.

We, and each of us, being first duly sworn on oath depose and say that we are each one of the persons appointed by Rex Rouse, Sheriff of Madison County, Iowa, on the 14th day of July, 1967, as a commissioner to assess damages to real estate, on account of Madison County, Iowa, asking to have certain real estate appraised, condemned and set over to it for road purposes, said real estate being located in Section Eleven (11) Township Seventy-four (74) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa, and being more particularly described in the order for Appointment of Commissioners to which this oath and qualification is attached; we, and each of us, further state that we are resident freeholders of Madison County, Iowa; that we are not interested in the same or a like or similar question; that we will to the best of our ability faithfully and impartially assess said damages and make written report to the Sheriff as provided by law.

M. S. Creger
Dwight Mundell
A. D. Beeler
Roy L. Pond
Bill C. Shearer
Dwight Hart

Subscribed and sworn to before me this 23 day of August, 1967.

Marguerite Morrissey
Clerk of Court in and for Madison County, Iowa

(DISTRICT COURT SEAL)

MATT PARROTT & SONS CO., WATERLOO, IOWA 66-4316

IN THE MATTER OF THE APPLICATION BY MADISON COUNTY, IOWA, FOR THE APPOINTMENT OF COMMISSIONERS TO ASSESS DAMAGES FOR THE TAKING OF REAL ESTATE FOR ROAD IMPROVEMENT PURPOSES

REPORT OF COMMISSIONERS

TO: REX ROUSE, SHERIFF OF MADISON COUNTY, IOWA

The undersigned Commissioners appointed by you by Order of Appointment dated the 13th day of July, 1967, to inspect the real estate hereinafter described and assess the damages which the owner and parties interested therein are sustaining by reason of the condemnation and appropriation thereof, for the use of Madison County, Iowa, in connection with the improvement of certain roads in Madison County, Iowa, as stated in the Application for Condemnation of Property, filed with you the 13th day of July, 1967, do hereby make report that upon due notice we met upon said premises, viewed and inspected the same on the 23d day of August, 1967, at (9:30) o'clock A.M., and appraised and assessed the damages sustained by reason of said condemnation as follows by reason of the taking of the following described tract of real estate by Madison County, Iowa, to-wit:

The south 70.0 feet of the SE¼ SE¼ Section 11 T74N R29W of the 5th P.M. and containing 0.58 acres, more or less, exclusive of the present established highway. Approximately 77 rods barbed wire fence.

TO: EUGENE I. KIRKLAND	$ 213.05
DOYLE SCHUTZ	$ None

We further report that the costs of said assessment are as follows:

NOTICES: Sheriff of Madison County, Iowa,
Cost of Mileage and attendance of Sheriff's office

Mileage	$16.40
Attendance and notices	$12.28

APPRAISSER'S FEES:

Dwight Mundell	$19.00
Dwight Hart	$18.60
Merrill S. Creger	$18.60
Roy L. Pond	$19.40
Bill C. Shearer	$17.20
A. D. Beeler	$18.10

DOROTHY RINGGENBERG
C L E R K

OFFICE OF
SHERIFF OF MADISON COUNTY
REX ROUSE, SHERIFF
EDWARD POWELL, DEPUTY
WINTERSET, IOWA 50273

TELEPHONE
DAY OR NIGHT
462-3575
AREA CODE 515

SHERIFF'S CERTIFICATION OF COSTS

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

	FEE	MILEAGE	TOTAL
1. Serving Original Notices	$ .75	$3.60	$ 4.35
2. Sheriff Serving Notice of Appointment of Commissioners	3.25	9.00	12.25
3. Sheriff Attending Commissioners	7.50	3.80	11.30
4. Registered mail fee			.78
TOTAL SHERIFF'S COSTS			$28.68
5. Commissioner's Expenses:			
Dwight Mundell, Center Twp.			
1 day service and mileage (Used his car on viewing)			$19.00
Merrill S. Creger, Ohio Twp.			
1 day service and mileage			18.60
Dwight Hart, Ohio Twp.			
1 day service and mileage			18.60
Bill C. Shearer, Walnut Twp.			
1 day service and mileage			17.20
A. D. Beeler, Walnut Twp.			
1 day service and mileage			18.10
Roy L. Pond, Lee Twp.			
1 day service and mileage			19.40
TOTAL JURY COSTS			$110.90
6. Damages awarded Eugene I. Kirkland			$213.05

RECAPITULATION

TOTAL DAMAGES AWARDED	$213.05
TOTAL SHERIFF'S COSTS	28.68
TOTAL COMMISSIONER'S EXPENSES	110.90
GRAND TOTAL	$352.63

Certified a true statement of Eugene I. Kirkland condemnation expenses and original copies of proceedings therewith.
Filed with Recorder 10-16-67
Rex Rouse, Sheriff

Rex Rouse Rex Rouse,
Sheriff Madison County, Iowa