RAY PARROTT & SONS CO., WATERLOO, IOWA 64-5012

Claude E. Simmons, et al., by Madison County Sheriff To State of Iowa

#2685

Fee $55.50

Filed for record the 17 day of August A.D. 1966 at 3:33 o'clock P.M.

Mary E. Welty, Recorder

CONDEMNATION PROCEEDINGS

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, west of Winterset, Iowa located in Madison County Project No. F-327 "B" Group "D"

APPLICATION TO THE SHERIFF FOR THE APPOINTMENT OF A COMMISSION TO APPRAISE DAMAGES

RECEIVED 4-28-66 9:15 A.M. D.R. Form 490 MADISON COUNTY SHERIFF WINTERSET, IOWA

TO: Rex Rouse, Sheriff of 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 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 specified rights in the land herein sought to be condemned for Primary Road right-of-way and/or for highway drainage and/or for the purpose of obtaining and removing therefrom material suitable for the improvement and/or the 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 commission of six freeholders of the state of Iowa, 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 purposes herein stated, and make their report in writing to you as provided by law.

Dated at Ames, Iowa, this 27th day of April, 1966

IOWA STATE HIGHWAY COMMISSION
By LAWRENCE F. SCALISE
Attorney General of Iowa
By Raymond T. Walton
RAYMOND T. WALTON
Special Assistant Attomey General
and Counsel to Iowa State Highway
Commission

Filed in my office at Winterset, Iowa, this 28 day of April, 1966

Rex Rouse Rex Rouse
Sheriff, Madison County, Iowa

TO: Claude E. Simmons, R.R. 3, Winterset, Iowa
Wanda M. Simmons, R.R. 3, Winterset, Iowa
Madison County, Iowa, Winterset, Iowa

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

Part of the NE¼NE¼ of Sec. 2, T75N, R28W of the 5th P.M., Madison County, Iowa.

You, and each of you, are hereby notified that the State of Iowa desires certain rights in land more specifically described as follows and shown with reference to their location as to lands affected on the plat Exhibit "A" attached hereto and to the Application filed in the office of the Sheriff of Madison County, Iowa, to which you are referred:

MATT PARROTT & SONS CO., WATERLOO, IOWA 64-3012

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

A parcel of land located in the NE¼NE¼ of Section 2, T75N, R28W of the 5th P.M., Madison County, Iowa, lying on the south side of part of the following described centerline of Primary Road No. 92, as shown on Official plans for Project F-327 "B".

The centerline, designated by station points 100 feet apart, numbered consecutively from west to east, is described as follows: Beginning at Sta. 742+63.1, a point on the NE Corner of said Sec. 2, thence N89°56'W 1263.1 ft. to Sta. 730+00.

Said parcel is described as follows: All that part of a tract described as: "Commencing 64 rods West of the NE Corner of Sec. 2-75-28, and running thence West 10 rods, thence South 8 rods, thence East 10 rods, thence North 8 rods to place of beginning," that lies northerly of a line beginning at a point 80 ft. southerly from centerline on the west line of the above described tract, thence to a point 50 ft. normally distant southerly from Sta. 730+90, thence to a point 50 ft. normally distant southerly from centerline on the east line of the above described tract.

Said parcel contains .06 acre, more or less, exclusive of the present established road.

Note: The North line of the NE¼ of said Sec. 2 is assumed to bear East and West.

The access rights sought to be appropriated are described as follows:

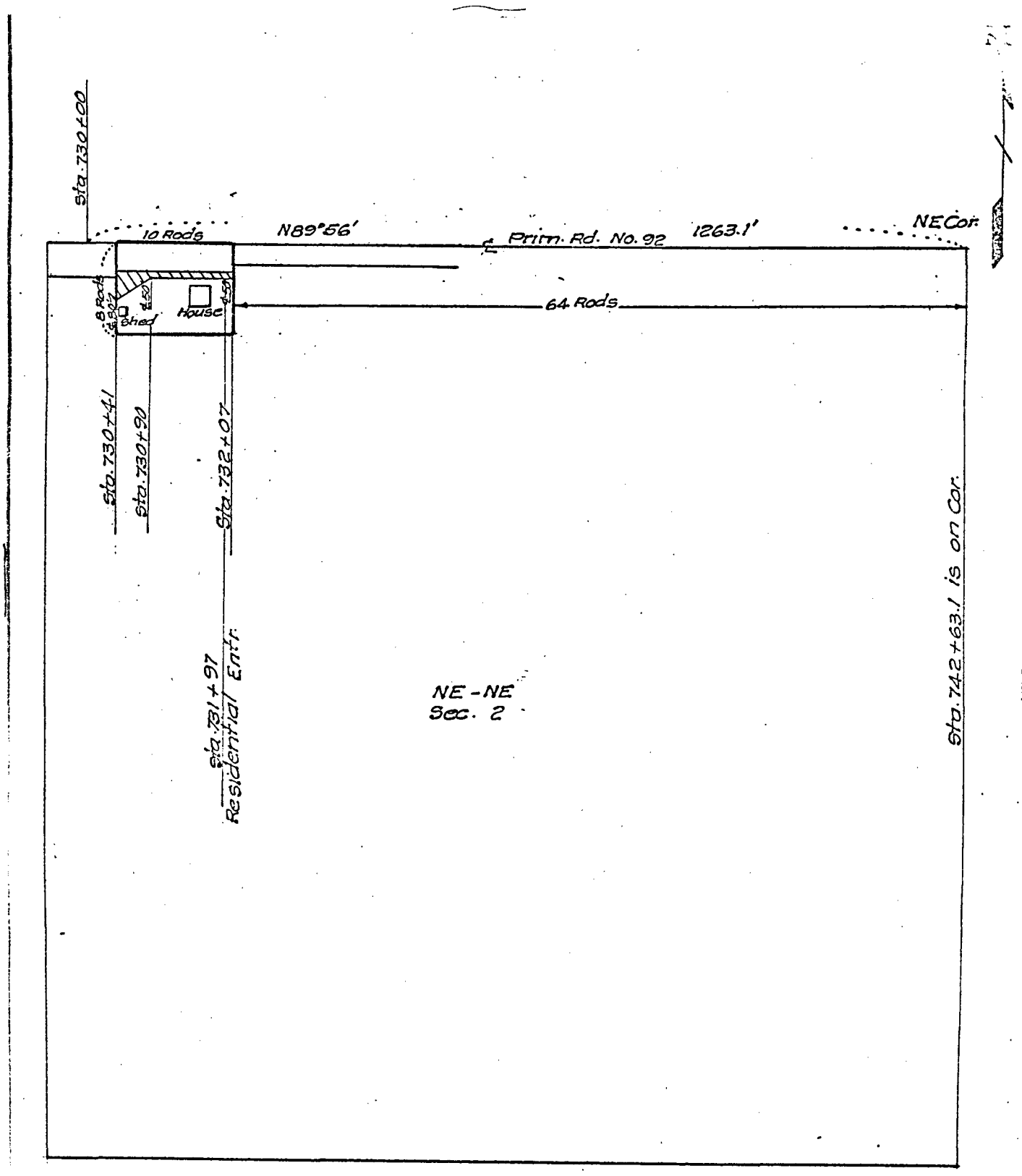
All rights of direct access to and from Primary Road No. 92 and that portion of the condemnees' remaining property in: Part of the NE¼, Sec. 2, T75N, R28@ of the 5th P.M. (Sta. 730+41 to Sta. 732+07), excepting and reserving to the condemnees a residential entrance at Sta. 731+97, on the south side.

PLAT OF LAND SOUGHT TO BE APPROPRIATED

OWNERS:- CLAUDE E. SIMMONS ET UX. R.O.W. AREA 0.06 ACRES BORROW AREA - - ACRES

LOCATION

FROM CL STA. 730+41 TO CL STA. 732+07 SECTION 2 TWP. 75N RANGE 28W CIVIL TOWNSHIP - - IOWA EXHIBIT "A"



MADISON COUNTY PROJECT NO. F-327 "B"

TO: Merrill R. Husted, R.R. No. 3, Winterset, Iowa
Inez Husted, R.R. No . 3, Winterset, Iowa
Madison County, Iowa, Winterset, Iowa

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

HAIT PARROTT & SONS CO., WATERLOO, IOWA 64-3012

Parts of the NW¼NE¼, NE¼NE¼, SW¼NE¼, SE¼NE¼ of Sec. 2, T75N, R28W of the 5th P.M., Madison County, Iowa.

You, and each of you, are hereby notified that the State of Iowa desires certain rights in land more specifically described as follows and shown with reference to their location as to lands affected on the plat Exhibit "A" attached hereto and to the Application filed in the Office of the Sheriff of Madison County, Iowa, to which you are referred:

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

A parcel of land located in the NE¼ of Sec. 2, T75N, R28W of the 5th P.M., Madison County, Iowa, lying on the south side of part of the following described centerline of Primary Road No. 92, as shown on Official plans for Project F-327 "B".

The centerline, designated by station points 100 feet apart, numbered consecutively from west to east, is described as follows: Beginning at Station 742+63.1, a point on the NE Corner of said Sec. 2, thence N89° 56'W 1263.1 ft. to Station 730+00.

Said parcel is described as follows: All that part of the West 241.1 ft. of the East 1056 Ft. of said NE¼ lying northerly of a line 50 ft. normally distant southerly of and parallel to the above described centerline and all that part of the West 181.9 ft. of the East 709.9 Ft. of said NE¼ lying northerly of the present southerly right of way line of Primary Road No. 92.

Said parcel contains 0.1 acre, more or less, exclusive of the present established road.

Note: The North line of the NE¼ of said Sec. 2 is assumed to bear East and West.

The access rights sought to be appropriated are described as follows:

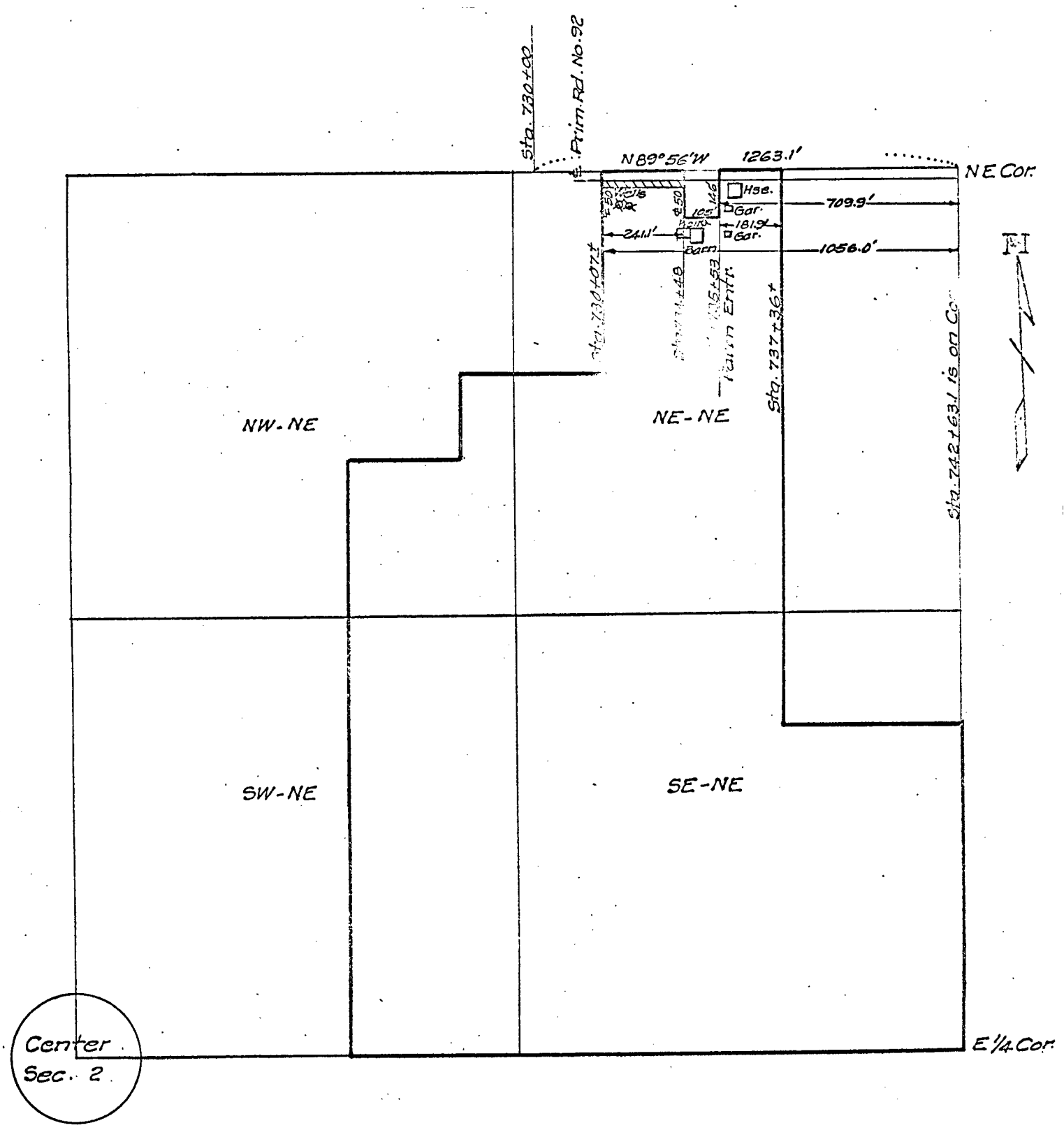
All rights of direct access to and from Primary Road No. 92 and that portion of the condemnees' remaining property in: Part of the NE¼ of Sec. 2, T75N, R28W of the 5th P.M. (Sta. 732+07± to Sta. 734+48, and from Sta. 735+53 to Sta. 737+36± , excepting and reserving to the condemnee a farm entrance at Sta. 735+53, on the south side.

EXHIBIT "A"
PLAT OF LAND SOUGHT TO BE APPROPRIATED

OWNERS:- MERRILL R. HUSTED AND INEZ HUSTED R.O.W. AREA 0.1 ACRES

LOCATION

FROM CL STA. 732+07± TO CL STA. 737+36± SECTION 2 TWP. 75N RANGE 28W



MADISON COUNTY PROJECT NO. F-327 "B"

MATT PARROTT & SONS CO., WATERLOO, IOWA 64-3012

Albert E. Welch, R.F.D. No. - -, Winterset, Iowa
Lois Eve Welch, R.F.D. No. 3, Winterset, Iowa
Farmers and Merchants State Bank, Winterset, Iowa
Madison County, Iowa, 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 NE¼NE¼, SE¼NE¼ of Sec. 2, T75N, R28W of the 5th P.M., Madison County, Iowa.

You, and each of you, are hereby notified that the State of Iowa desires certain rights in land more specifically described as follows and shown with reference to their location as to lands affected on the plat Exhibit "A" attached hereto and to the Application filed in the Office of the Sheriff of Madison County, Iowa, to which you are referred:

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

All that part of the East 16 Rods of Sec. 2, T75N, R28W of the 5th P.M. lying northerly of present southerly right of way line of Primary Road No. 92.

The access rights sought to be appropriated are described as follows:

All rights of direct access to and from Primary Road No. 92 and "The North 100 Rods of the East 16 Rods of Section 2-75-28" excepting and reserving to the condemnees a commercial entrance at Station 742+54 on the south side, said Station 742+54 being 9.1 ft. westerly of the east line of said Section 2.

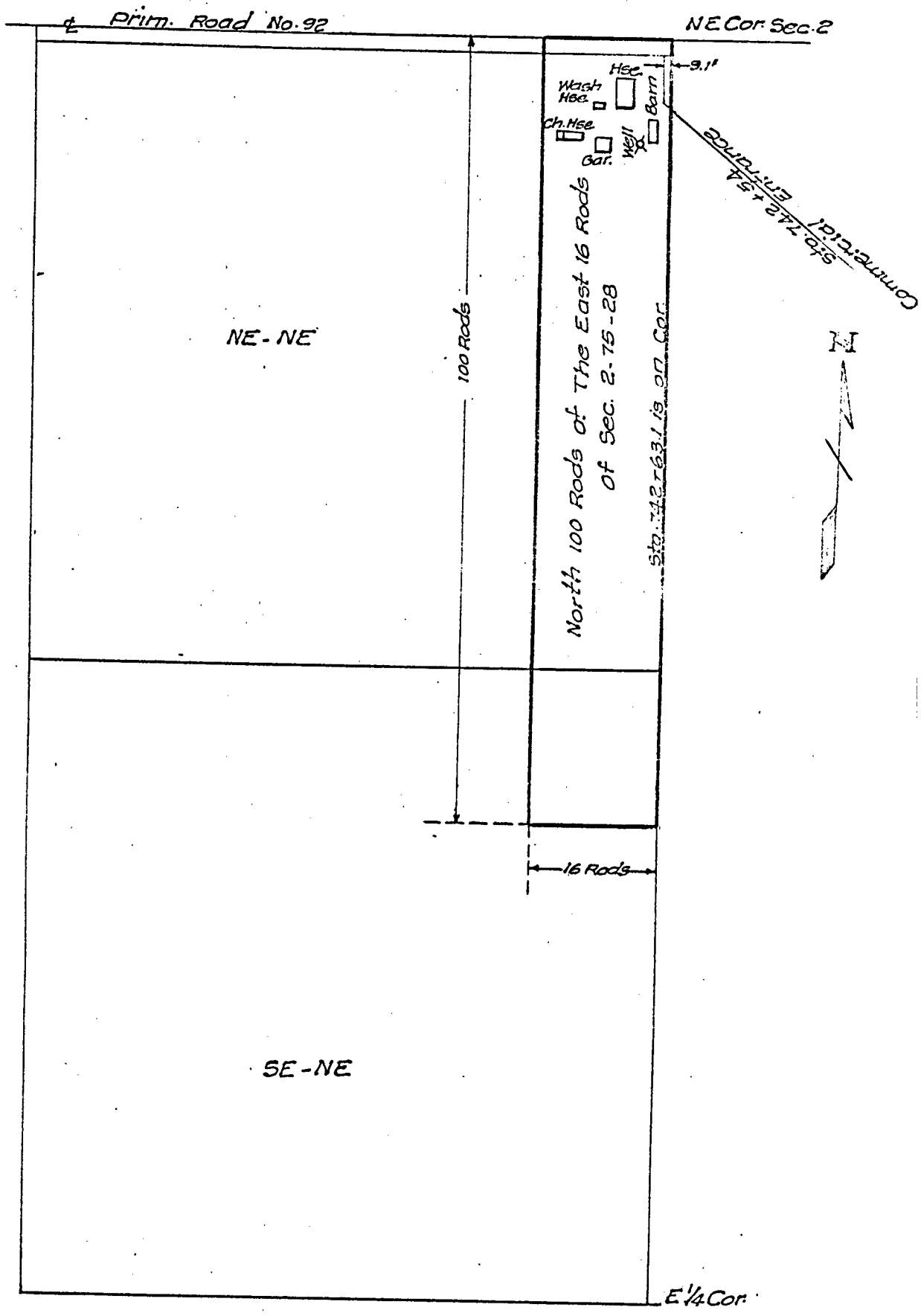
EXHIBIT"A"

PLAT OF LAND SOUGHT TO BE APPROPRIATED

OWNERS:- ALBERT E. WELCH AND LOIS EVE WELCH R.O.W. AREA - - ACRES

LOCATION

FROM CL STA. - - TO CL STA. - - SECTION 2 TWP. 75N RANGE 28W



MADISON COUNTY PROJECT NO. F-327 "B"

HAIT PARROTT & SONS CO., WATERLOO, IOWA 64-3012

Thelma Jackson, R.F.D. #3, Winterset, Iowa
Madison County, Iowa, Winterset, Iowa

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

Part of the SW¼SW¼ of Sec. 36, T76N, R28W and part of the NW¼NW¼ of Sec. 1, T75N, R28W, both of the 5th P.M., Madison County, Iowa.

You, and each of you, are hereby notified that the State of Iowa desires certain rights in land more specifically described as follows and shown with reference to their location as to lands affected on the plat Exhibit "A" attached hereto and to the Application filed in the Office of the Sheriff of Madison County, Iowa, to which you are referred:

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

The North 33 ft of the W½NW¼NW¼ of Sec. 1, T75N, R28W of the 5th P.M. and the South 33 ft. of the West 131.75 ft. of the East 206.75 ft. of the West 48 Rods of the S½SW¼SW¼ of Sec. 36, T76N, R28W of the 5th P.M., all being within present established road.

The rights of title or interest, if any, condemnee may have sought to be appropriated, are in land described as follows:

All that part of the S½SW¼SW¼ of said Sec. 36 lying south of the south line of the W 3½ Acres of the N 36 Rods and 8 Feet of said S½SW¼SW¼ and west of the extended east line of said W 3½ Acres.

The access rights sought to be appropriated are described as follows:

All rights of direct access to and from Primary Road No. 92 and that portion of the condemnee's remaining property in: Part of the S½SW¼SW¼ of Sec. 36, T76N, R28W and in the W½NW¼NW¼ of Sec. 1, T75N, R28W, all of the 5th P.M. (Sta. 742+63.1 to Sta. 749+23±, south side, and Sta. 748+08± to Sta. 749+40±, north side), excepting and reserving to the condemnee a residential entrance at Sta. 746+78, south side, said Sta. being 414.9 ft. East of the NW Corner of said Sec. 1, a field entrance at Sta. 748+57, north side, said Sta. being 593.9 ft. East of the NW Corner of said Sec. 1, and a commercial entrance at Sta. 748+92, south side, said Sta. being 628.9 ft. East of the NW Corner of said Sec. 1.

The easement right, for the specific purpose of constructing and ditching a culvert outlet, sought to be appropriated is in land described as follows:

Beginning at a point 33 ft. South of the NW Corner of said Sec. 1 on the west line thereof, thence South 47 ft. along said west line, thence East 136.9 ft., thence to a point which is 33 ft. South and 236.9 ft. East of said NW Corner, thence West 236.9 ft. to the Point of Beginning, containing 0.2 acre, more or less.

EXHIBIT "A"

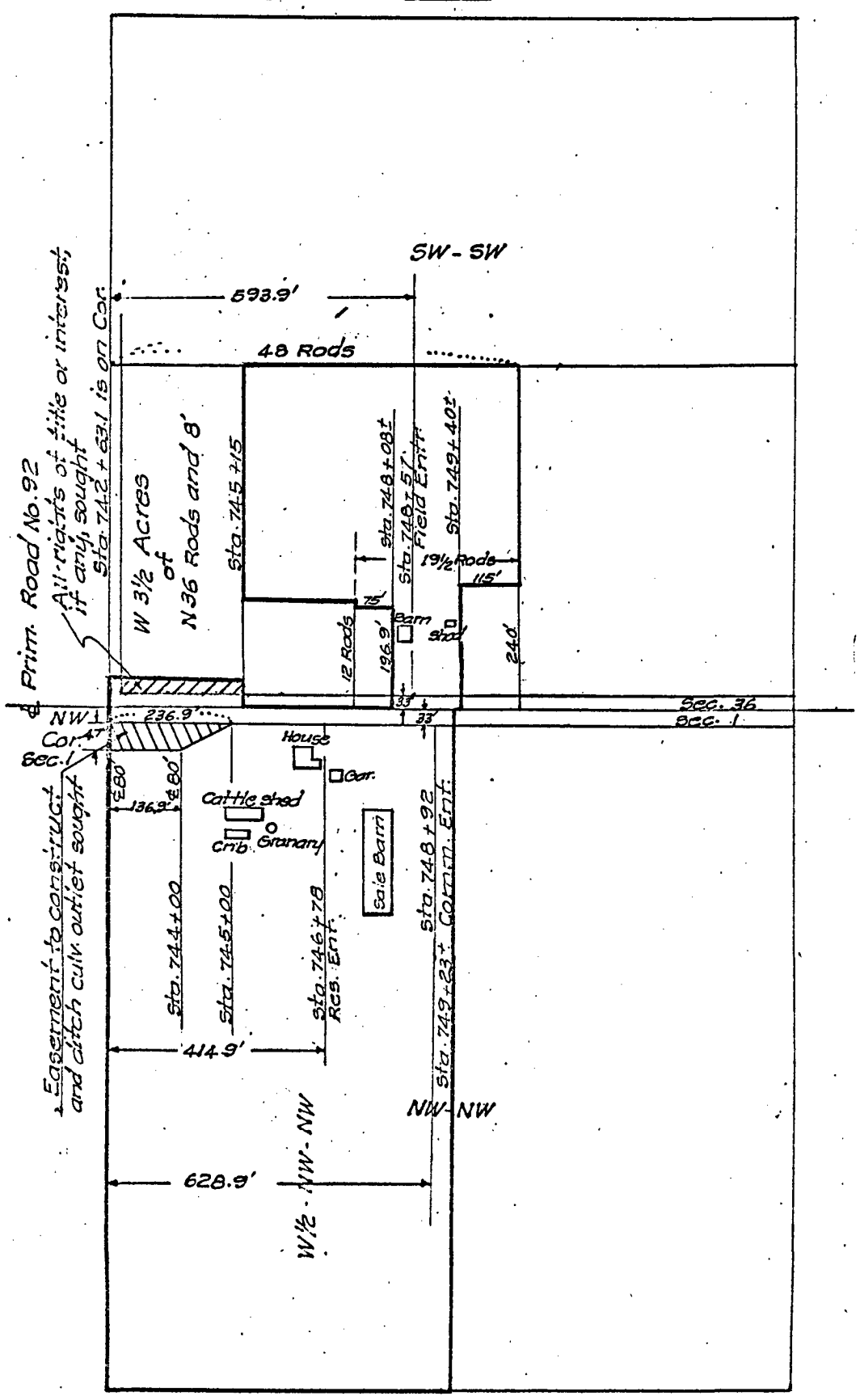
PLAT OF LAND SOUGHT TO BE APPROPRIATED

OWNERS:- THELMA B. JACKSON R.O.W. AREA - - ACRES

LOCATION

FROM CL STA. - - TO CL STA. - - SECTION 1:36 TWP. 75N : 76N RANGE 28W

MATT PARROTT & SONS CO., WATERLOO, IOWA 64-3918



MADISON COUNTY PROJECT NO. F-327 "B"

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, west of Winterset, Iowa located in Madison County Project No. F-327 "B" Group "D"

NOTICE TO THE CHIEF JUSTICE OF THE SUPREME COURT OF IOWA AND REQUEST FOR THE APPOINTMENT OF COMMISSIONERS

RECEIVED 4-28-66
9:15 A.M. D.R.
Form 491
MADISON COUNTY
SHERIFF WINTERSET, IOWA

RECEIVED 5-13-66
9:10 A.M. D.R.
MADISON COUNTY SHERIFF
WINTERSET, IOWA

TO THE HONORABLE T. G. GARFIELD, Chief Justice of the Supreme Court of Iowa:

You are hereby notified that an Application by the Iowa State Highway Commission for condemning certain specified rights in certain lands as set forth in said Application for primary road purposes in the above entitled matter has this day been filed in the office of the undersigned; and I hereby request you to select six persons to act as a comdemnation commission to assess the damages which the owners of the land, lienholders, encumbrancers, and other persons interested therein will sustain by reason of the appropriation for the improvement of primary roads, as authorized, permitted and prescribed in Chapters 306, 306A, 313, 471 and 472 of the 1962 Code of Iowa and any amendments thereto, and to make return to me of the name and place of residence of each person so selected and appointed by you.

Dated at Winterset, Iowa, this 28 day of April, 1966

Rex Rouse Rex Rouse
Sheriff, Madison County, Iowa

Filed in my office at Winterset, Iowa, this 13 day of May, 1966

Rex Rouse Rex Rouse
Sheriff, Madison County, Iowa

HAFF PRINTING & SIGNS CO., WATERLOO, IOWA 64-3012

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, west of Winterset, Iowa located in Madison County Project No. F-327 "B" Group "D"

SELECTION AND APPOINTMENT OF CONDEMNATION COMMISSIONERS BY THE CHIEF JUSTICE

RECEIVED 5-13-66 9:10 A.M. D.R. MADISON COUNTY SHERIFF WINTERSET, IOWA

A request from Rex Rouse, Sheriff of Madison County, Iowa, having this day been presented to me for the selection and appointment of six suitable persons as the law provides to act as a condemnation commission to assess and appraise the damages sutained 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 condemnation commission required in this matter the following persons:

NAME	ADDRESS	COUNTY
Kenneth E. Ritter	Winterset	Madison
Donn W. Harper	Creston	Union
E. L. Garris	Osceola	Clarke
Donald Desenberg	Norwalk	Warren
Leonard C. Wright	Greenfield	Adair
Cedric E. Glenn	Adel	Dallas

Attached hereto I return the Notice and Request for such appointment in the above entitled matter.

Dated at Ames, Iowa, this 9th day of May, 1966

T. G. Garfield T. G. GARFIELD
Chief Justice of the Supreme Court of Iowa

Filed in my office at Winterset, Iowa, this 13th day of May, 1966

Rex Rouse Rex Rouse
Sheriff, Madison County, Iowa

In the Matter of the Condemnation of Certain 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, located in Madison County, Proaect No. F-327 "B" Group "D"

ORDER

RECEIVED 5-19-66 9:15 A.M. D.R. MADISON COUNTY SHERIFF WINTERSET, IOWA

Now on this 17th day of May, 1966, the above entitled matter was presented to the undersigned Chief Justice of the Supreme Court of Iowa, who finds that Kenneth E. Ritter, of Winterset, Madison County, Iowa, one of the commissioners appointed in the above-entitled matter, will be unable to serve as such commissioner on the date of hearing, to-wit: June 2, 1966 and, therefore, Gerald C. Cornick of Winterset Madison County, Iowa, is hereby appointed to fill said vacancy and to act in said proceedings.

T. G. Garfield T. G. Garfield,
Chief Justice Supreme Court of 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, west of Winterset, Iowa located in Madison County Project No. F-327 "B" Group "D"

SUMMONS TO COMMISSIONERS

RECEIVED 5-19-66 9:15 A.M. D.R. Form 493 MADISON COUNTY SHERIFF WINTERSET, IOWA

TO: Gerald C. Cornick, Winterset, Iowa

WHEREAS, the Iowa State Highway Commission has filed in my office an Application for the selection of a condemnation 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 filed in my office for the improvement and/or the maintenance of primary roads and/or for highway drainage in Madison County, and

WHEREAS, you have been selected and appointed by the Chief Justice of the Supreme Court of Iowa as a member of such condemnation commission, and such selection and appointment has been duly filed in my office;

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 the 2 day of June, 1966, at 9:30

HATT PARROTT & SONS CO., WATERLOO, IOWA 64-3012

o'clock a.m. (CDT) for the purpose of qualifying as such commission, and proceed to view said premises and make an award of damages as by law provided and fail not to make appearance under penalty of the law.

Rex Rouse Rex Rouse
Sheriff, Madison County, Iowa

ACCEPTANCE OF SERVICE

Due and legal service of the foregoing Summons accepted and receipt of copy acknowledged at - -, Iowa, this 19 day of May, 1966

Gerald C. Cornick
Gerald C. Cornick

Filed in my office at Winterset, Iowa, this 19 day of May, 1966

Rex Rouse Rex Rouse
Sheriff, Madison County, Iowa

In the Matter of the Condemnation of Certain Rights in Land by the IowaState Highway Commission for the Use and Benefit of the State of Iowa in the Improvement of Primary Road No. 92, west of Winterset, Iowa located in Madison County Project No. F-327 "B" Group "D"

SUMMONS TO COMMISSIONERS

RECEIVED 5-13-66 9:10 A.M. D.R. Form 493 MADISON COUNTY SHERIFF WINTERSET, IOWA
RECEIVED 5-16-66 9:30 A.M. D.R. MADISON COUNTY SHERIFF WINTERSET, IOWA

TO: Cedric E. Glenn, Adel, Iowa

WHEREAS, the Iowa State Highway Commission has filed in my office an Application for the selection of a condemnation 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 filed in my office for the improvement and/or the maintenance of primary roads and/or for highway drainage in Madison County, and

WHEREAS, you have been selected and appointed by the Chief Justice of the Supreme Court of Iowa as a member of such condemnation commission, and such selection and appointment has been duly filed in my office;

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 the 2 day of June, 1966, at 9:30 o'clock a.m. (CDT) for the purpose of qualifying as such commission, and proceed to view said premises and make an award of damages as by law provided and fail not to make appearance under penalty of the law.

Rex Rouse Rex Rouse
Sheriff, Madison County, Iowa

ACCEPTANCE OF SERVICE

Due and legal service of the foregoing Summons accepted and receipt of copy acknowledged at Adel, Iowa, this 14 day of May, 1966

Cedric E. Glenn
Cedric E. Glenn

Filed in my office at Winterset, Iowa, this 16 day of May, 1966

Rex Rouse 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, west of Winterset, Iowa located in Madison County Project No. F-327 "B" Group "D"

SUMMONS TO COMMISSIONERS

RECEIVED 5-13-66 9:10 A.M. D.R. Form 493 MADISON COUNTY SHERIFF WINTERSET, IOWA
RECEIVED 5-16-66 9:30 A.M. D.R. MADISON COUNTY SHERIFF WINTERSET, IOWA

TO: Leonard C. Wright, Greenfield, Iowa

WHEREAS, the Iowa State Highway Commission has filed in my office an Application for the selection of a condemnation 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

HATT PARRETT & SONS CO., WATERLOO, IOWA 64-3012

rights as described in the Application filed in my office for the improvement and/or the maintenance of primary roads and/or for highway drainage in Madison County, and

WHEREAS, you have been selected and appointed by the Chief Justice of the Supreme Court of Iowa as a member of such condemnation commission, and such selection and appointment has been duly filed in my office;

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 the 2 day of June, 1966, at 9:30 o'clock a.m. (CDT) for the purpose of qualifying as such commission, and proceed to view said premises and make an award of damages as by law provided and fail not to make appearance under penalty of the law.

Rex Rouse Rex Rouse
Sheriff, Madison County, Iowa

ACCEPTANCE OF SERVICE

Due and legal service of the foregoing Summons accepted and receipt of copy acknowledged at Greenfield, Iowa, this 14 day of May, 1966

Leonard C. Wright
Leonard C. Wright

Filed in my office at Winterset, Iowa, this 16 day of May, 1966

Rex Rouse 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, west of Winterset, Iowa located in Madison County Project No. F-327 "B" Group "D"

SUMMONS TO COMMISSIONERS

RECEIVED 5-13-66 9:10 A.M. D.R. Form 493 MADISON COUNTY SHERIFF WINTERSET, IOWA

RECEIVED 5-16-66 9:30 A.M. D.R. MADISON COUNTY SHERIFF WINTERSET, IOWA

TO: E. L. Garris, Osceola, Iowa

WHEREAS, the Iowa State Highway Commission has filed in my office an Application for the selection of a condemnation 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 filed in my office for the improvement and/or the maintenance of primary roads and/or for highway drainage in Madison County, and

WHEREAS, you have been selected and appointed by the Chief Justice of the Supreme Court of Iowa as a member of such condemnation commission, and such selection and appointment has been duly filed in my office;

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 the 2 day of June, 1966, at 9:30 o'clock a.m. (CDT) for the purpose of qualifying as such commission, and proceed to view said premises and make an award of damages as by law provided and fail not to make appearance under penalty of the law.

Rex Rouse Rex Rouse
Sheriff, Madison County, Iowa

ACCEPTANCE OF SERVICE

Due and legal service of the foregoing Summons accepted and receipt of copy acknowledged at Osceola, Iowa, this 14 day of May, 1966

E. L. Garris
E. L. Garris

Filed in my office at Winterset, Iowa, this 16 day of May, 1966

Rex Rouse Rex Rouse
Sheriff, Madison County, Iowa

MATT PARROTT & SONS CO., WATERLOO, IOWA 64-3018

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, west of Winterset, Iowa located in Madison County Project No. F-327 "B" Group "D"

SUMMONS TO COMMISSIONERS

RECEIVED 5-13-66 Form 493 9:10 A.M. D.R. MADISON COUNTY SHERIFF WINTERSET, IOWA

RECEIVED 5-16-66 9:30 A.M. D.R. MADISON COUNTY SHERIFF WINTERSET, IOWA

TO: Donald Desenberg, Norwalk, Iowa

WHEREAS, the Iowa State Highway Commission has filed in my office an Application for the selection of a condemnation 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 filed in my office for the improvement and/or the maintenance of primary roads and/or for highway drainage in Madison County, and

WHEREAS, you have been selected and appointed by the Chief Justice of the Supreme Court of Iowa as a member of such condemnation commission, and such selection and appointment has been duly filed in my office;

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 the 2 day of June, 1966, at 9:30 o'clock a.m. (CDT) for the purpose of qualifying as such commission, and proceed to view said premises and make an award of damages as by law provided and fail not to make appearance under penalty of the law.

Rex Rouse Rex Rouse
Sheriff, Madison County, Iowa

ACCEPTANCE OF SERVICE

Due and legal service of the foregoing Summons accepted and receipt of copy acknowledged at Norwalk, Iowa, this 14th day of May, 1966

Donald Desenberg
Donald Desenberg

Filed in my office at Winterset, Iowa, this 16 day of May, 1966

Rex Rouse 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, west of Winterset, Iowa located in Madison County Project No. F-327 "B" Group "D"

SUMMONS TO COMMISSIONERS

RECEIVED 5-13-66 Form 493 9:10 A.M. D.R. MADISON COUNTY SHERIFF WINTERSET, IOWA

RECEIVED 5-17-66 9:15 A.M. D.R. MADISON COUNTY SHERIFF WINTERSET, IOWA

TO: Donn A. Harper, Creston, Iowa

WHEREAS, the Iowa State Highway Commission has filed in my office an Application for the selection of a condemnation 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 filed in my office for the improvement and/or the maintenance of primary roads and/or for highway drainage in Madison County, and

WHEREAS, you have been selected and appointed by the Chief Justice of the Supreme Court of Iowa as a member of such condemnation commission, and such selection and appointment has been duly filed in my office;

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 the 2 day of June, 1966, at 9:30 o'clock a.m. (CDT) for the purpose of qualifying as such commission, and proceed to view said premises and make an award of damages as by law provided and fail not to make appearance under penalty of the law.

Rex Rouse Rex Rouse
Sheriff, Madison County, Iowa

MATT PARROTT & SONS CO., WATERLOO, IOWA 64-3512

ACCEPTANCE OF SERVICE

Due and legal service of the foregoing Summons accepted and receipt of copy acknowledged at Creston, Iowa, this 16 day of May, 1966

Donn W. Harper

Filed in my office at Winterset, Iowa, this 17 day of May, 1966

Rex Rouse 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, west of Winterset, Iowa located in Madison County Project No. F-327"B" Group "D"

OATH OF COMMISSIONERS

RECEIVED 5-13-66 9:10 A.M. D.R. MADISON COUNTY SHERIFF WINTERSET, IOWA

STATE OF IOWA MADISON COUNTY) SS

Each of the undersigned being duly sworn says:

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, 313, 471, and 472 of the 1962 Code of Iowaand any amendments thereto and will well and truly perform any and all other duties imposed upon me by law as a member of the condemnation commission selected and appointed to assess said damages.

Gerald C. Cornick
Donn W. Harper
Donald Desenberg
Leonard C. Wright
Cedric E. Glenn
E. L. Garris

Subscribed and sworn to before me this 2 day of June 1966

(DISTRICT COURT SEAL)

Marguerite Morrissey Clerk of Court in and for said County and State

Filed in my office at Winterset, Iowa, this 2 day of June, 1966

Rex Rouse 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, west of Winterset, Iowa located in Madison County Project No. F-327 "B" Group "D"

NOTICE

RECEIVED 5-13-66 9:10 A.M. D.R. MADISON COUNTY SHERIFF WINTERSET, IOWA

TO: Claude E. Simmons, R.R. 3, Winterset, Iowa
Wanda M. Simmons, R.R. 3, Winterset, Iowa
Madison County, Iowa, Winterset, Iowa

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

Part of the NE¼NE¼ of Sec. 2, T75N, R28W of the 5th P.M., Madison County, Iowa.

You, and each of you, are hereby notified that the State of Iowa desires certain rights in land more specifically described as follows and shown with reference to their location as to lands affected on the plat Exhibit "A" attached hereto and to the Application filed in the Office of the Sheriff of Madison County, Iowa, to which you are referred:

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

A parcel of land located in the NE¼NE¼ of Section 2, T75N, R28W of the 5th P.M., Madison County, Iowa, lying on the south side of part of the following described centerline of Primary Road No. 92, as shown on Official plans for Project F-327 "B".

The centerline, designated by station points 100 feet apart, numbered consecutively from west to east, is described as follows: Beginning at Sta. 742+63.1, a point on the NE Corner of said Sec. 2, thence N89° 56'W 1263.1 ft. to Sta. 730+00.

Said parcel is described as follows: All that part of a tract described as: "Commencing 64 rods West of the NE Corner of Sec. 2-75-28, and running thence West 10 rods, thence South 8 rods, thence East 10 rods, thence North 8 rods to place of beginning," that lies northerly of a line beginning at a point 80 ft. southerly from centerline on the west line of the above described tract, thence to a point 50 ft. normally distant southerly from Sta. 730+90, thence to a point 50 ft. normally distant southerly from centerline on the east line of the above described tract.

Said parcel contains .06 acre, more or less, exclusive of the present established road.

MATT PARROTT & SONS CO., WATERLOO, IOWA 64-3012

Note: The North line of the NE¼ of said Sec. 2 is assumed to bear East and West.

The access rights sought to be appropriated are described as follows:

All rights of direct access to and from Primary Road No. 92 and that portion of the condemnees' remaining property in: Part of the NE¼, Sec. 2, T75N, R28W of the 5th P.M. (Sta. 730+41 to Sta. 732+07), excepting and reserving to the condemnees a residential entrance at Sta. 731+97, on the south side.

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 primary roads of the state of Iowa in the manner prescribed in Chapters 306, 306A, 313, 471 and 472 of the 1962 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 2 day of June, 1966, at 10:00 o'clock, a.m. (CDT) view the real estate described above and proceed to appraise said damages at which time you may appear before said commission if you care so to do.

IOWA STATE HIGHWAY COMMISSION
By LAWRENCE F. SCALISE
Attorney General of Iowa
By Raymond T. Walton
RAYMOND T. WALTON
Special Assistant Attorney General
and Counsel to Iowa State Highway
Commission

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, Madison County, ss:

Received the within notice the 13 day of May, 1966, 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 of Town	County	State
CLAUDE E. SIMMONS	May	13	1966	Lincoln	Madison	Iowa
WANDA M. SIMMONS	May	13	1966	Lincoln	Madison	Iowa

Fees:
Service $6.25
Mileage $ .50
Total $6.75

Rex Rouse Rex Rouse
Sheriff, Madison County, Iowa

PLAT OF LAND SOUGHT TO BE APPROPRIATED

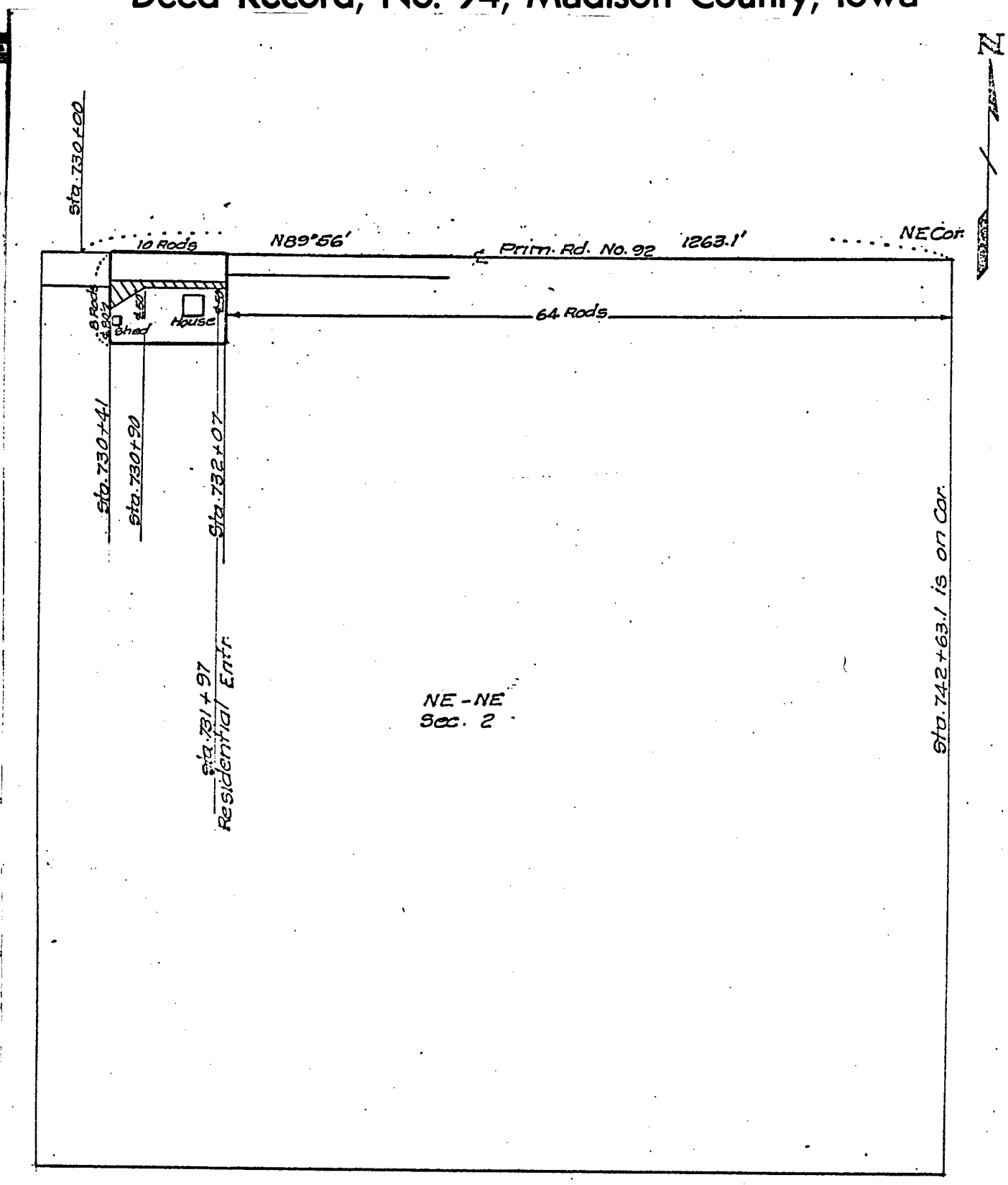
OWNERS:- CLAUDE E. SIMMONS ET UX. R.O.W. AREA 0.06 ACRES BORROW AREA - - ACRES

LOCATION

FROM CL STA. 730+41 TO CL STA. 732+07 SECTION 2 TWP. 75N RANGE 28W CIVIL TOWNSHIP - - IOWA

EXHIBIT "A"

Deed Record, No. 94, Madison County, Iowa



MADISON COUNTY PROJECT NO. F-327 "B"

RETURN OF SERVICE--Company or Corporation

STATE OF IOWA, Madison County, ss.

The within notice came into my hands on the 13th day of May, 1966 and on the 13th day of May, 1966, I served the same upon the Madison County, Iowa Winterset, Iowa by offering to read the same to Wayne Griffith, 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.

Rex Rouse, Sheriff
Rex Rouse
of Madison County

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, west of Winterset, Iowa located in Madison County Project No. F-327 "B" Group "D"

NOTICE

RECEIVED 5-13-66 9:10 A.M. D.R.
MADISON COUNTY SHERIFF
WINTERSET, IOWA

TO: Merrill R. Husted, R.R. No. 3, Winterset, Iowa
Inez Husted, R.R. No. 3, Winterset, Iowa
Madison County, Iowa, 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 NW¼NE¼, NE¼NE¼, SW¼NE¼, SE¼NE¼ of Sec. 2, T75N, R28W of the 5th P.M., Madison County, Iowa.

You, and each of you, are hereby notified that the State of Iowa desires certain rights in land more specifically described as follows and shown with reference to their location as to lands affected on the plat Exhibit "A" attached hereto and to the Application filed in the Office of the Sheriff of Madison County, Iowa, to which you are referred:

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

A parcel of land located in the NE¼ of Sec. 2, T75N, R28W of the 5th P.M., Madison County, Iowa, lying on the south side of part of the following described centerline of Primary Road No. 92, as shown on Official plans for Project F-327 "B".

MATT PARROTT & SONS CO., WATERLOO, IOWA

The centerline, designated by station points 100 feet apart, numbered consecutively from west to east, is described as follows: Beginning at Station 742+63.1, a point on the NE Corner of said Sec. 2, thence N89° 56'W 1263.1 ft. to Station 730+00.

Said parcel is described as follows: All that part of the West 241.1 ft. of the East 1056 Ft. of said NE¼ lying northerly of a line 50 ft. normally distant southerly of and parallel to the above described centerline and all that part of the West 181.9 ft. of the East 709.9 Ft. of said NE¼ lying northerly of the present southerly right of way line of Primary Road No. 92.

Said parcel contains 0.1 acre, more or less, exclusive of the present established road.

Note: The North line of the NE¼ of said Sec. 2 is assumed to bear East and West.

The access rights sought to be appropriated are described as follows:

All rights of direct access to and from Primary Road No. 92 and that portion of the condemnees' remaining property in: Part of the NE¼ of Sec. 2, T75N, R28W of the 5th P.M. (Sta. 732+07± to Sta. 734+48, and from Sta. 735+53 to Sta. 737+36±), excepting and reserving to the condemnee a farm entrance at Sta. 735+53, on the south side.

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 primary roads of the state of Iowa in the manner prescribed in Chapters 306, 306A, 313, 471 and 472 of the 1962 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 2 day of June, 1966, at 10:15 o'clock a.m. (CDT) view the real estate described above and proceed to appraise said damages at which time you may appear before said commission if you care so to do.

IOWA STATE HIGHWAY COMMISSION
By LAWRENCE F. SCALISE
Attorney General of Iowa
By Raymond T. Walton
RAYMOND T. WALTON
Special Assistant Attorney General
and Counsel to Iowa State Highway
Commission

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, Madison County, ss:

Received the within notice the 13 day of May, 1966, 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 of Town	County	State
MERRILL R. HUSTED	May	13	1966	Lincoln	Madison	Iowa
INEZ HUSTED	May	13	1966	Lincoln	Madison	Iowa

Rex Rouse Sheriff,
- - County, Iowa

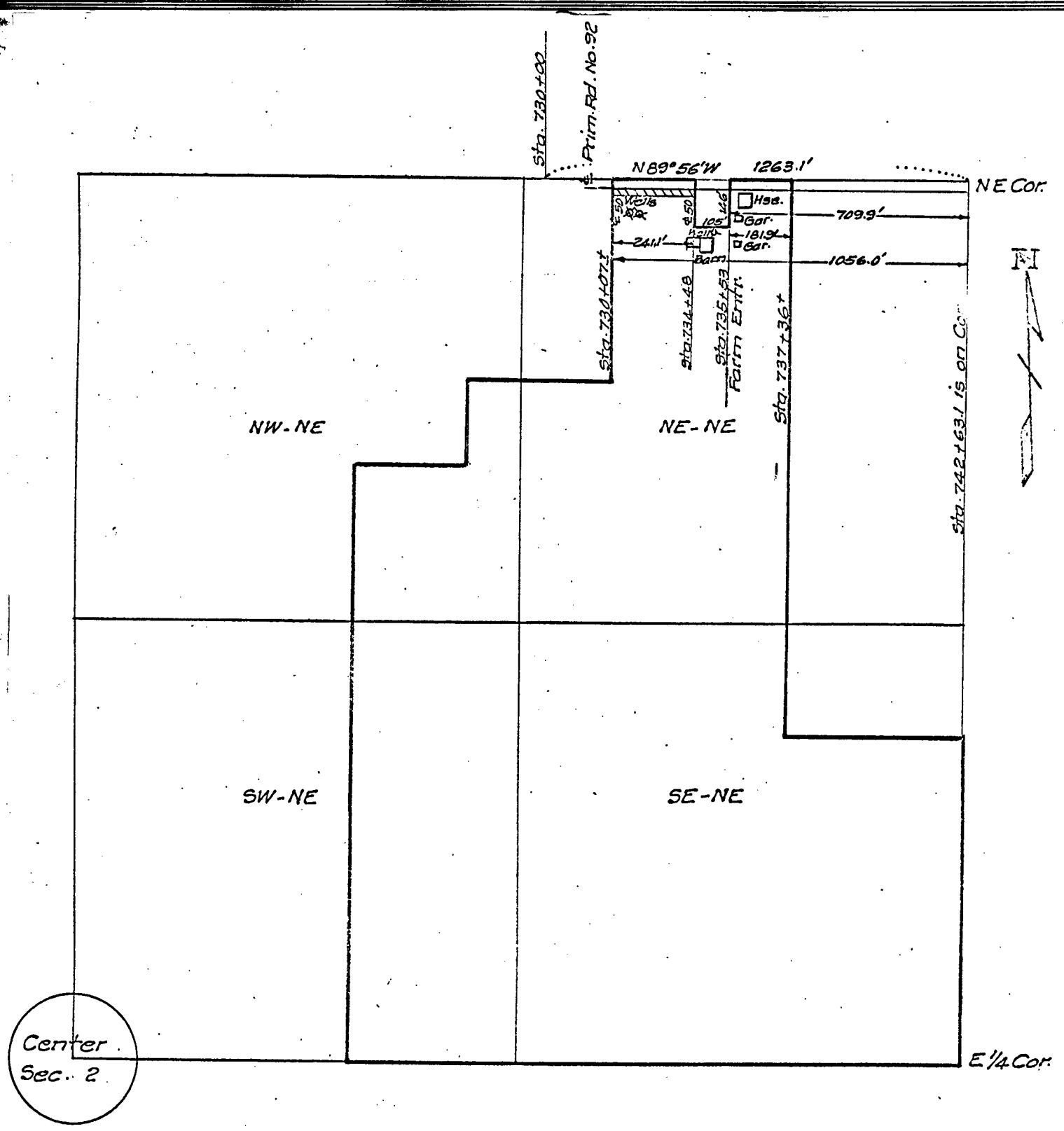
EXHIBIT "A"
PLAT OF LAND SOUGHT TO BE APPROPRIATED

OWNERS: - MERRILL R. HUSTED AND INEZ HUSTED R.O.W. AREA 0.1 ACRES

LOCATION

FROM CL STA. 732+07± TO CL STA. 737+36± SECTION 2 TWP. 75N RANGE 28W

WATERLOO, IOWA 64-3012



MADISON COUNTY PROJECT NO. F-327 "B"

RETURN OF SERVICE--Company or Corporation

STATE OF IOWA, Madison County, ss.

The within notice came into my hands on the 13th day of May, 1966 and on the 13th day of May, 1966, I served the same upon the Madison County, Iowa Winterset, Iowa by offering to read the same to Wayne Griffith, 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.

Rex Rouse, Sheriff
Rex Rouse
of Madison County

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, west of Winterset, Iowa located in Madison County Project No. F-327 "B" Group "D"

NOTICE

RECEIVED 5-13-66 9:10 A.M.
D.R. MADISON COUNTY
SHERIFF WINTERSET, IOWA

TO: Albert E. Welch, R.F.D. No. 3, Winterset, Iowa
Lois Eve Welch, R.F.D. No. 3, Winterset, Iowa
Farmers and Merchants State Bank, Winterset, Iowa
Madison County, Iowa, 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 NE¼NE¼, SE¼NE¼ of Sec. 2, T75N, R28W of the 5th P.M., Madison County, Iowa.

You, and each of you, are hereby notified that the State of Iowa desires certain rights in land more specifically described as follows and shown with reference to their location as to lands affected on the plat Exhibit "A" attached hereto and to the Application filed in the Office of the Sheriff of Madison County, Iowa, to which you are referred:

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

MATT PARROTT & SONS CO., WATERLOO, IOWA

All that part of the East 16 Rods of Sec. 2, T75N, R28W of the 5th P.M. lying northerly of the present southerly right of way line of Primary Road No. 92.

The access rights sought to be appropriated are described as follows:

All rights of direct access to and from Primary Road No. 92 and "The North 100 Rods of the East 16 Rods of Section 2-75-28" excepting and reserving to the condemnees a commercial entrance at Station 742+54 on the south side, said Station 742+54 being 9.1 ft. westerly of the east line of said Section 2.

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 primary roads of the state of Iowa in the manner prescribed in Chapters 306, 306A, 313, 471 and 472 of the 1962 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 2 day of June, 1966, at 10:30 o'clock a.m. (CDT) view the real estate described above and proceed to appraise said damages at which time you may appear before said commission if you care so to do.

IOWA STATE HIGHWAY COMMISSION
By LAWRENCE F. SCALISE
Attorney General of Iowa
By Raymond T. Walton
RAYMOND T. WALTON
Special Assistant Attorney General
and Counsel to Iowa State Highway
Commission

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, Madison County, ss:

Received the within notice the 13 day of May, 1966, 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 of Town	County	State
ALBERT E. WELCH	May	13	1966	Lincoln	Madison	Iowa
LOIS EVE WELCH	May	13	1966	Lincoln	Madison	Iowa

Rex Rouse Rex Rouse
Sheriff, Madison County, Iowa

EXHIBIT "A"

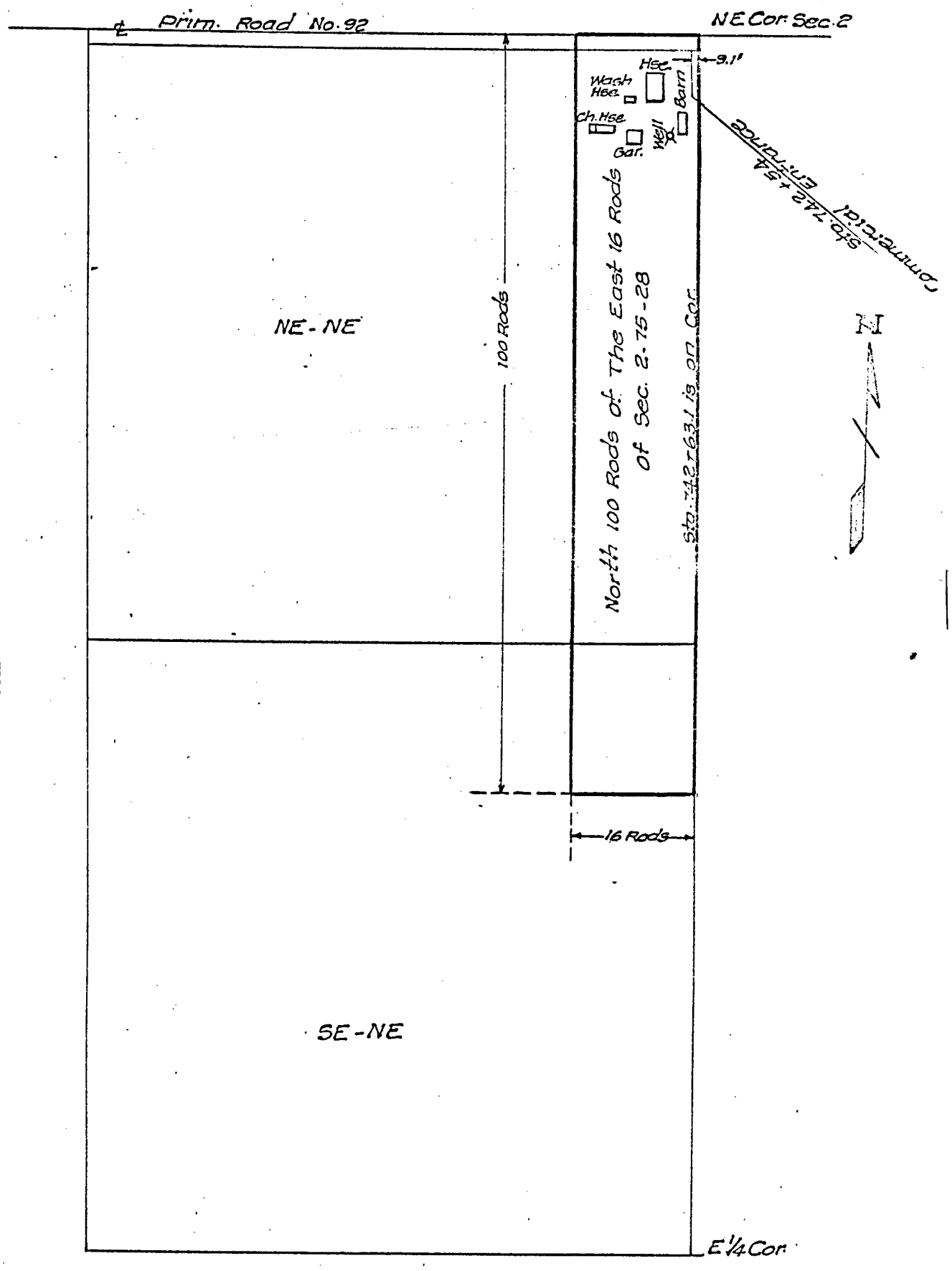
PLAT OF LAND SOUGHT TO BE APPROPRIATED

OWNERS: - ALBERT E. WELCH AND LOIS EVE WELCH R.O.W. AREA - - ACRES

LOCATION

FROM CL STA. - - TO CL STA. - - SECTION 2 TWP. 75N RANGE 28W

WATERLOO, IOWA 64-3012



MADISON COUNTY PROJECT NO. F-327"B"

RETURN OF SERVICE--Company or Corporation

STATE OF IOWA, Madison County, ss.

The within notice came into my hands on the 13th day of May, 1966 and on the 13th day of May, 1966, I served the same upon the Farmers and Merchants State Bank, Winterset, Iowa by offering to read the same to C. D. Burterfield, he being the Cashier of said corporation or company, which he waived, and by giving him a true copy thereof, all done in Center Township, Madison County, Iowa.

Rex Rouse, Sheriff
Rex Rouse
of Madison County

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, west of Winterset, Iowa located in Madison County Project No. F-327 "B" Group "D"

NOTICE

RECEIVED 5-13-66 Form 495, Sheet 1 9:10 A.M. D.R. MADISON COUNTY SHERIFF WINTERSET, IOWA

TO: Thelma Jackson, R.F.D. #3, Winterset, Iowa
Madison County, Iowa, Winterset, Iowa

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

Part of the SW¼SW¼ of Sec. 36, T76N, R28W and part of the NW¼NW¼ of Sec. 1, T75N, R28W, both of the 5th P.M., 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

MATT PARROTT & SONS CO., WATERLOO, IOWA 64-3018

as to lands affected on the plat Exhibit "A" attached hereto and to the Application filed in the Office of the Sheriff of Madison County, Iowa, to which you are referred:

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

The North 33 ft. of the W½NW¼NW¼ of Sec. 1, T75N, R28W of the 5th P.M. and the South 33 ft. of the West 131.75 ft. of the East 206.75 ft. of the West 48 Rods of the S½SW¼SW¼ of Sec. 36, T76N, R28W of the 5th P.M., all being within present established road.

The rights of title or interest, if any, condemnee may have sought to be appropriated, are in land described as follows:

All that part of the S½SW¼SW¼ of said Sec. 36 lying south of the south line of the W 3½ Acres of the N 36 Rods and 8 Feet of said S½SW¼SW¼ and west of the extended east line of said W 3½ Acres.

The access rights sought to be appropriated are described as follows:

All rights of direct access to and from Primary Road No. 92 and that portion of the condemnee's remaining property in: Part of the S½SW¼SW¼ of Sec. 36, T76N, R28W and in the W½NW¼NW¼ of Sec. 1, T75N, R28W, all of the 5th P.M. (Sta. 742+63.1 to Sta. 749+23±, south side, and Sta. 748+08± to Sta. 749+40±, north side), excepting and reserving to the condemnee a residential entrance at Sta. 746+78, south side, said Sta. being 414.9 ft. East of the NW Corner of said Sec. 1, a field entrance at Sta. 748+57, north side, said Sta. being 593.9 ft. East of the NW Corner of said Sec. 1, and a commercial entrance at Sta. 748+92, south side, said Sta. being 628.9 ft. East of the NW Corner of said Sec. 1.

The easement right, for the specific purpose of constructing and ditching a culvert outlet, sought to be appropriated is in land described as follows:

Beginning at a point 33 ft. South of the NW Corner of said Sec. 1 on the west line thereof, thence South 47 ft. along said west line, thence East 136.9 ft., thence to a point which is 33 ft. South and 236.9 ft. East of said NW Corner, thence West 236.9 ft. to the Point of Beginning, containing 0.2 acre, more or less.

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 primary roads of the state of Iowa in the manner prescribed in Chapters 306, 306A, 313, 471 and 472 of the 1962 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 2 day of June, 1966, at 10:45 o'clock a.m. (CDT) view the real estate described above and proceed to appraise said damages at which time you may appear before said commission if you care so to do.

IOWA STATE HIGHWAY COMMISSION
By LAWRENCE F. SCALISE
Attorney General of Iowa
By Raymond T. Walton
RAYMOND T. WALTON
Special Assistant Attorney General
and Counsel to Iowa State Highway
Commission

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, Madison County, ss:

Received the within notice the 13 day of May, 1966, 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 of Town	County	State
THELMA JACKSON	May	13	1966	Lincoln	Madison	Iowa

Rex Rouse Rex Rouse
Sheriff, Madison County, Iowa

EXHIBIT "A"

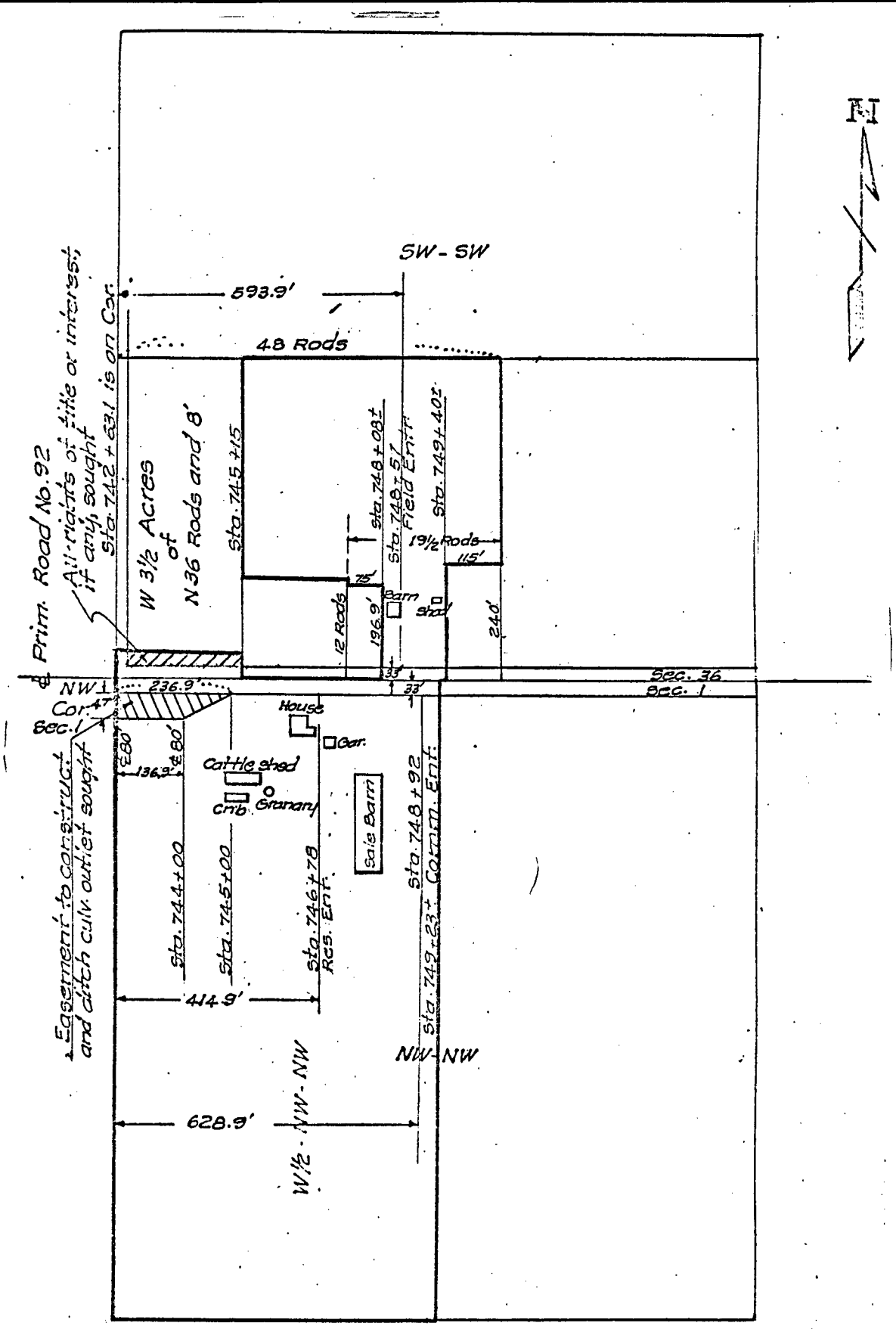
PLAT OF LAND SOUGHT TO BE APPROPRIATED

OWNERS: - THELMA B. JACKSON R.O.W. AREA - - ACRES

LOCATION

FROM CL STA. - - TO CL STA. - - SECTION 1:36 . TWP. 75N : 76N RANGE 28W

MARTIN-BRATTRUD & SONS CO., WATERLOO, IOWA 64-3012



MADISON COUNTY PROJECT NO. F-327 "B"

RETURN OF SERVICE--Company or Corporation

STATE OF IOWA, Madison County, ss.

The within notice came into my hands on the 13th day of May, 1966 and on the 13th day of May, 1966, I served the same upon the Madison County, Iowa Winterset, Iowa by offering to read the same to Wayne Griffith, 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.

Rex Rouse, Sheriff
Rex Rouse
of Madison County

In the Matter of the Condemnation of Certain Rights in Land by the IowaState Highway Commission for the Use and Benefit of the State of Iowa in the Improvement of Primary Road No. 92, west of Winterset, Iowa located in Madison County Project No. F-327 "B" Group "D"

REPORT OF CONDEMNATION 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:

MATT PARROTT & SONS CO., WATERLOO, IOWA 64-3012

		Land and Improvements Condemned	Consequential Damages	Total Award
(Parcel 32)	Claude E. and Wanda M. Simmons; Madison County	$	$	$1,050.00
(Parcel 34)	Merrill R. and Inez Husted; Madison County	$	$	$ 615.00
(Parcel 38)	Albert E. and Lois Eve Welch; Farmers and Merchants State Bank; Madison County	$	$	$ 200.00
(Parcel 43)	Thelma Jackson; Madison County	$	$	$ 475.00

Respectfully reported at Winterset, Iowa, this 3 day of June, 1966

Gerald C. Cornick — E. L. Garris
Cedric E. Glenn — Donn W. Harper
Donald Desenberg — Leonard C. Wright

Filed in my office at Winterset, Iowa, this 3 day of June, 1966

Rex Rouse Rex Rouse
Sheriff, Madison County, Iowa

IN THE MATTER OF THE CONDEMNATION OF CERTAIN REAL ESTATE FOR PRIMARY ROAD PURPOSES BY THE STATE HIGHWAY COMMISSION OF THE STATE OF IOWA. IN Madison COUNTY. PROJECT NO. F-327 "B" Group "D".

SHERIFF'S CERTIFICATION AS TO AWARDS AND COSTS.

RECEIVED 5-14-66 9:15 A.M. D.R. MADISON COUNTY SHERIFF WINTERSET, IOWA

To Iowa State Highway Commission,
Ames, Iowa

I hereby certify that the commissioners in the above entitled cause convened at Winterset, Iowa, on the 2 day of June, 1966, and thereupon proceeded to view the premises and said commissioners did thereafter on the 3 day of June, 1966, file their report in my office awarding damages as follows:

	NAME	AMOUNT
(Parcel 32)	CLAUDE E. and WANDA M. SIMMONS; MADISON COUNTY	$1050.00
(Parcel 34)	MERRILL R. and INEZ HUSTED; MADISON COUNTY	615.00
(Parcel 38)	ALBERT E. and LOIS EVE WELCH; FARMERS AND MERCHANTS STATE BANK; MADISON COUNTY	200.00
(Parcel 43)	THELMA JACKSON; MADISON COUNTY	475.00
	TOTAL DAMAGES AWARDED	$2340.00

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

Serving notices as listed below:

Date	Name of Persons Served	Fee	Mileage	Rate .10	Amount	Total
5-13-66	12 Service of Notice	6.25	5		$ .50	$6.75

Sheriff, Summoning and attending commissioners 7.50

Sheriff, Mileage while attending commissioners, 9 Miles @ .10 $ .90

$15.15

CONSTRUCTION CLAIM VOUCHER Road No. 92 County Madison
Project No. F-327(00. June 9, 1966 Voucher No. - -

THE STATE OF IOWA PRIMARY ROAD FUND

RECEIVED 6-18-66 9:05 A.M. D.R. MADISON COUNTY SHERIFF WINTERSET, IOWA

TO Madison County Sheriff
Madison County Courthouse
Winterset, Iowa

ITEMS	QUANTITY	RATE	AMOUNT
Construction Work on Above Project	RE: MADISON COUNTY CONDEMNATION		F-327 "B", Group "F" F-327 "B", Group "D"

In payment of fees of commissioners and costs incident to the above condemnation as certified by the Sheriff.

FEES AND EXPENSES OF COMMISSIONERS:			
Leonard C. Wright, Greenfield			
2 day service		$50.00	
120 miles @.10		12.00	
2 meals + $1.33 for coffee		6.33	$ 68.33
Cedric E. Glenn, Adel			
2 day service		$50.00	
80 miles @.10		8.00	
2 meals		5.00	$ 63.00
Donald Desenberg, Norwalk			
2 day service		$50.00	
100 miles @.10	Pd. by State	10.00	
2 meals	Comptroller Warrant	5.00	$ 65.00
E. L. Garris, Osceola	#3621267		
2 day service		$50.00	
164 Miles @.10		16.40	
2 meals		5.00	$ 71.40

HAITT PARROTT & SONS CO., WATERLOO, IOWA 64-3012

Donn W. Harper, Creston
2 day service $50.00
180 miles @.10 18.00
2 meals 5.00 $ 73.00
Gerald C. Cornick, Winterset
2 day service $50.00
15 miles @.10 1.50
2 meals 5.00 $56.50

MAIL WARRANT TO
LEGAL DEPARTMENT

FEES AND EXPENSES OF SHERIFF: Service Mileage
Persons served: 25 $13.00 $1.00 $14.00
Sheriff attending commissioners (2 days) 15.00
18 miles @.10 1.80 $ 30.80
jw $428.03

CLASSIFICATION & DISTRIBUTION

Classification		State Roads	County Roads	Urban Streets
Right-of-Way	228	$428.03	$	$
Total		$428.03	$	$

APPROVALS
We hereby certify the items and amounts listed herein have been checked and approved.

Delano S. Jespersen
Resident Engineer.

CONSTRUCTION CLAIM VOUCHER Road No. 92 County Madison
Project No. F-327 June 10, 1966 Voucher No. ---

THE STATE OF IOWA PRIMARY ROAD FUND
RECEIVED 6-21-66 9:30 A.M.
D.R. MADISON COUNTY
SHERIFF WINTERSET, IOWA

TO Madison County Sheriff
Madison County Courthouse
Winterset, Iowa

ITEMS	QUANTITY	RATE	AMOUNT
Construction Work on Above Project RE: Madison County Condemnation F-327 "B", Group "E" In payment of fee for service of notice on Ernest R. Stowell; Madison County, Iowa; Fred Leroy Warren; Laurrine Warren; Madison County, Iowa; Madison County, Iowa; Edward H. Cunningham; Virginia Marie Cunningham; Madison County, Iowa, in connection with the above Madison County Condemnation held on June 2, with Madison County Projects F-327 Section "B" groups "D" and "F"			$ 6.25

Paid 6/16/66 by warrant No. 3621268

MAIL WARRANT TO
LEGAL DEPARTMENT

1b

CLASSIFICATION & DISTRIBUTION

Classification		State Roads	County Roads	Urban Streets
Right-of-Way	228	$ 6.25	$	$
Total		$ 6.25		

APPROVALS
We hereby certify the items and amounts listed herein have been checked and approved.

Delano S. Jespersen
Resident Engineer.

CONSTRUCTION CLAIM VOUCHER Road No. 92 County Madison
Project No. F-327(00) June 9, 1966 Voucher No. 203

THE STATE OF IOWA PRIMARY ROAD FUND
RECEIVED 6-18-66 9:05 A.M.
D.R. MADISON COUNTY
SHERIFF WINTERSET, IOWA

TO Madison County Sheriff
Madison County Courthouse
Winterset, Iowa

REGULAR

ITEMS	QUANTITY	RATE	AMOUNT	
Construction Work on Above Project RE: Madison County Condemnation F-327 "B", Group "D" In payment for right-of-way in accordance with awards made by the condemnation commission on June 3, 1966 as certified by the sheriff of the above county.				
MAKE WARRANTS PAYABLE AS FOLLOWS: Claude E. and Wanda M. Simmons; Madison County Treasurer #3621255 Claude E. Simmons (Parcel 32)			$ 1,050.00	6-25-66
Merrill R. and Inez Husted; Madison County Treasurer #3621255 Merrill R. Husted (Parcel 34)			615.00	
Albert E. and Lois Eve Welch; Farmers and Merchants State Bank; Madison County Treasurer (Parcel 38) #3621257 appealed 6-24-66 RRR			200.00	
Thelma Jackson; Madison County Treasurer (Parcel 43) #3621258 appealed 7-1-66 RRR Thelma Jackson			475.00	
jw				
TOTAL DUE THIS VOUCHER			$ 2,340.00	

MAIL WARRANT TO
LEGAL DEPARTMENT

MATT PARROTT & SONS CO., WATERLOO, IOWA 64-3012

CLASSIFICATION & DISTRIBUTION

Classification		State Roads	County Roads	Urban Streets
Right-of-Way	208	$2,340.00	$	$
Total		$2,340.00		

All papers and two appeal checks filed with Clerk of Court, July 9, 1966.

Rex Rouse, Sheriff

APPROVALS

We hereby certify the items and amounts listed herein have been checked and approved.

Delano S. Jespersen
Resident Engineer.

June 21, 1966

Thelma Jackson
Winterset, Iowa

Re: Condemnation F-327 "B"
Group "D"

Dear Mrs. Jackson:

Your condemnation award check was received in my office this date.

Please be advised you may call for your check in person or direct me in writing to whom and where to mail it, or advise if you decline the award.

Yours truly,
- - -
Rex Rouse, Sheriff

RR/dr

C O P Y

June 21, 1966

Albert E. Welch
R.F.D. 3
Winterset, Iowa

Re: Condemnation F-327 "B"
Group "D"

Dear Mr. Welch:

Your condemnation award check was received in my office this date.

Please be advised you may call for your check in person or direct me in writing to whom and where to mail it, or advise if you decline the award.

Yours truly,
- - - -
Rex Rouse, Sheriff

RR/dr

C O P Y

June 21, 1966

Merrill R. Husted
Winterset, Iowa

Re: Condemnation F-327 "B"
Group "D"

Dear Mr. Husted:

Your condemnation award check was received in my office this date.

Please be advised you may call for your check in person or direct me in writing to whom and where to mail it, or advise if you decline the award.

Yours truly,
- - - -
Rex Rouse, Sheriff

RR/dr

C O P Y

June 21, 1966

Claude E. Simmons
Winterset, Iowa

Re: Condemnation F-327 "B"
Group "D"

Dear Mr. Simmons:

Your condemnation award check was received in my office this date.

Please be advised you may call for your check in person or direct me in writing to whom and where to mail it, or advise if you decline the award.

Yours truly,
- - - -
Rex Rouse, Sheriff

RR/dr

C O P Y

IN THE DISTRICT COURT OF IOWA IN AND FOR MADISON COUNTY

RECEIVED 6-24-66
9:30 A.M. RRR
MADISON COUNTY SHERIFF
WINTERSET, IOWA

ALBERT E. WELCH and LOIS EVE WELCH, Plaintiffs,
-vs-
IOWA STATE HIGHWAY COMMISSION, Defendant.

LAW NO. 20030

NOTICE OF APPEAL TO THE DISTRICT COURT OF IOWA, IN AND FOR MADISON COUNTY

FILED: 1966 JUL 9 AM 10 31
MARGUERITE MORRISSEY
CLERK OF DISTRICT COURT
MADISON COUNTY, IOWA

TO.....IOWA STATE HIGHWAY COMMISSION, acting for and in behalf of the State of Iowa; FARMERS AND MERCHANTS STATE BANK, Winterset, Iowa; MADISON COUNTY, IOWA; and REX ROUSE, Sheriff of Madison County, Iowa:

MATT PARROTT & SONS CO., WATERLOO, IOWA 64-3012

YOU, AND EACH OF YOU, are hereby notified that the undersigned, Albert E. Welch and Lois Eva Welch, do hereby appeal to the District Court of Iowa, in and for Madison County, from the appraisal and awarding of damages made on the 3rd day of June, 1966, by the Commission appointed therefor for the purpose of appraising and awarding to the undersigned the damages sustained as a result of the condemnation and taking by right of eminent domain for highway purposes from the following described real estate, to-wit:

Parts of the NE¼ NE¼, SE¼NE¼ of Sec. 2, T75N, R28W of the 5th P.M., Madison County, Iowa.

The fee title appropriated by the Iowa State Highway Commission in said land is described as follows:

All that part of the East 16 rods of Sec. 2, T75N, R28W of the 5th P.M. lying northerly of the present southerly right of way line of Primary Road No. 92.

The access rights appropriated by the Iowa State Highway Commission in said land are described as follows:

All rights of direct access to and from Primary Road No. 92 and "The North 100 rods of the East 16 rods of Section 2-75-28: excepting and reserving to the condemnees a commercial entrance at Station 742+54 on the south side, said Station 742+54 being 9.1 ft. westerly of the east line of said Section 2.

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

You are further notified that a petition will be filed in said cause in the office of the Clerk of the District Court of Iowa, in and for Madison County, on or before the first day of the next term of the District Court of Iowa, in and for Madison County, to-wit: The September Term which will convene in Winterset, Madison County, Iowa, on the 6th day of September, 1966, and said cause will be heard and disposed of as by law provided.

Dated at Winterset, Iowa, this 21st day of June, 1966.

ALBERT E. WELCH and LOIS EVE WELCH
By WEBSTER, FREDERICK & JORDAN
By Lewis H. Jordan
Lewis H. Jordan
Farmers & Merchants State Bank Bldg.
Winterset, Iowa 50273
Telephone 462-3731
ATTORNEYS FOR PLAINTIFFS

IN THE DISTRICT COURT OF THE STATE OF IOWA IN AND FOR MADISON COUNTY

RECEIVED 7-1-66 5:15 P.M.
RRR MADISON COUNTY
SHERIFF WINTERSET, IOWA

THELMA B. JACKSON, Plaintiff, -vs- IOWA STATE HIGHWAY COMMISSION, Defendants.) No. Law_____) NOTICE OF APPEAL TO THE DISTRICT COURT OF IOWA IN AND FOR MADISON COUNTY.

FILED: 1966 JUL 9 AM 10 31
MARGUERITE MORRISSEY
CLERK OF DISTRICT COURT
MADISON COUNTY, IOWA

TO....IOWA STATE HIGHWAY COMMISSION, acting for and in behalf of the State of Iowa; and REX ROUSE, Sheriff of Madison County, Iowa:

YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the undersigned Thelma B. Jackson, hereby appeals to the District Court of Iowa in and for Madison County, from the appraisal and awarding of damages made on third day of June, 1966, by the Commission appointed for the purpose of appraising and awarding to the undersigned the damages sustained as a result of the condemnation and taking by right of eminent domain for highway purposes from the following described real estate, to-wit:

Part of the SW¼SW¼ of Sec. 36, T76N, R28W and part of the NW¼NW¼ of Sec. 1, T75N, R28W, both of the 5th P. M., Madison County, Iowa.

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

The North 33 ft. of the W½NW¼NW¼ of Sec. 1, T75N, R28W of the 5th P. M. and the South 33 ft. of the West 131.75 ft. of the East 206.75 ft. of the West 48 rods of the S½SW¼SW¼ of Sec. 36, T76N, R28W of the 5th P. M., all being within present established road.

MATT PARROTT & SONS CO., WATERLOO, IOWA 64-3012

The rights of title or interest, if any, condemnee may have sought be appropriated, are in land described as follows:

All that part of the S½SW¼SW¼ of said Sec. 36, lying south of the south line of the W 3½ Acres of the N 36 Rods and 8 Feet of said S½SW¼SW¼ and west of the extended east line of said W 3½ Acres.

The access rights sought to be appropriated are described as follows:

All rights of direct access to and from Primary Road No. 92 and that portion of the condemnee's remaining property in: Part of the S½SW¼SW¼ of Sec. 36, T76N, R28W and in the W½NW¼NW¼ of Sec. 1, T75N, R28W, all of the 5th P. M. (Sta. 742+63.1 to Sta. 749+23±, south side, and Sta. 748+08± to Sta. 749+40±, north side), excepting and reserving to the condemnee a residential entrance at Sta. 746+78, south side, said Sta. being 414.9 ft. East of the NW Corner of said Sec. 1, a field entrance at Sta. 748+57, north side, said Sta. being 593.9 ft. East of the NW Corner of said Sec. 1, and a commercial entrance at Sta. 748+92, south side, said Sta. being 628.9 ft. East of the NW Corner of said Sec. 1.

The easement right, for the specific purpose of constructing and ditching a culvert outlet, sought to be appropriated is in land described as follows:

Beginning at a point 33 ft. South of the NW Corner of said Sec. 1 on the west line thereof, thence South 47 ft. along said west line, thence East 136.9 ft., thence to a point which is 33 ft. South and 236.9 ft. East of said NW Corner, thence West 236.9 ft. to the Point of Beginning, containing 0.2 acre, more or less.

All of said land being described and specifically referred to in the notice of condemnation and assessment served upon the undersigned.

You are further notified that a petition will be filed in said cause in the office of the Clerk of the District Court of Madison County, Iowa, on or before the first day of the next term of said Court, to-wit: The September Term which will convene in Winterset, Madison County, Iowa, on the 6th day of September, 1966, at which time said cause will be heard and disposed of as provided by law.

Dated at Winterset, Iowa, this 30th day of June, 1966.

THELMA B. JACKSON
By Jno. N. Hartley
Attorney for Plaintiff
Jno. N. Hartley
Attorney at Law
106 W. Court Ave.
Winterset, Iowa 50273
Telephone 462-4866

ACCEPTANCE OF SERVICE

Due, legal and timely service of the above notice of appeal is hereby acknowledged this 1st day of July, 1966.

- - - - -
Rex Rouse, Sheriff of Madison County, Iowa.

IN THE DISTRICT COURT OF IOWA IN AND FOR MADISON COUNTY

ALBERT E. WELCH and LOIS EVE WELCH, Plaintiffs,
-vs-
IOWA STATE HIGHWAY COMMISSION, Defendant.

LAW NO. 20030
40-138

NOTICE OF APPEAL TO THE DISTRICT COURT OF IOWA, IN AND FOR MADISON COUNTY

FILED: 1966 JUL 6 PM 4 13 MARGUERITE MORRISSEY CLERK OF DISTRICT COURT MADISON COUNTY, IOWA

TO.....IOWA STATE HIGHWAY COMMISSION, acting for and in behalf of the State of Iowa; FARMERS AND MERCHANTS STATE BANK, Winterset, Iowa; MADISON COUNTY, IOWA; and REX ROUSE, Sheriff of Madison County, Iowa:

YOU, AND EACH OF YOU, are hereby notified that the undersigned, Albert E. Welch and Lois Eve Welch, do hereby appeal to the District Court of Iowa, in and for Madison County, from the appraisal and awarding of damages made on the 3rd day of June, 1966, by the Commission appointed therefor for the purpose of appraising and awarding to the undersigned the damages sustained as a result of the condemnation and taking by right of eminent domain for highway purposes from the following described real estate, to-wit:

Parts of the NE¼ NE¼, SE¼NE¼ of Sec. 2, T75N, R28W of the 5th P.M., Madison County, Iowa.

The fee title appropriated by the Iowa State Highway Commission in said land is described as follows:

For Settlement of Appeal see Deed Rec 94 - 549

HAIG PARROTT & SONS CO., WATERLOO, IOWA 64-3012

All that part of the East 16 rods of Sec. 2, T75N, R28W of the 5th P.M. lying northerly of the present southerly right of way line of Primary Road No. 92.

The access rights appropriated by the Iowa State Highway Commission in said land are described as follows:

All rights of direct access to and from Primary Road No. 92 and "The North 100 rods of the East 16 rods of Section 2-75-28" excepting and reserving to the condemnees a commercial entrance at Station 742+54 on the south side, said Station 742+54 being 9.1 ft. westerly of the east line of said Section 2.

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

You are further notified that a petition will be filed in said cause in the office of the Clerk of the District Court of Iowa, in and for Madison County, on or before the first day of the next term of the District Court of Iowa, in and for Madison County, to-wit: The September Term which will convene in Winterset, Madison County, Iowa, on the 6th day of September, 1966, and said cause will be heard and disposed of as by law provided.

Dated at Winterset, Iowa, this 21st day of June, 1966.

ALBERT E. WELCH and LOIS EVE WELCH
By WEBSTER, FREDERICK & JORDAN
By Lewis H. Jordan
Lewis H. Jordan
Farmers & Merchants State Bank Bldg.
Winterset, Iowa 50273
Telephone 462-3731
ATTORNEYS FOR PLAINTIFFS

FILED: 1966 JUL 6 PM 4 13
MARGUERITE MORRISSEY
CLERK OF DISTRICT COURT
MADISON COUNTY, IOWA

ACKNOWLEDGEMENT OF SERVICE

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

Dated at Ames, Iowa, this 24 day of June, 1966.

IOWA STATE HIGHWAY COMMISSION
By Raymond T. Walton
Raymond T. Walton
Special Assistant Attorney General
and Counsel to the Iowa State Highway Commission

IN THE DISTRICT COURT OF IOWA IN AND FOR MADISON COUNTY

ALBERT E. WELCH and LOIS EVE WELCH, Plaintiffs, -vs- IOWA STATE HIGHWAY COMMISSION, Defendant. : LAW NO.____

FILED: 1966 JUL 6 PM 4 13
MARGUERITE MORRISSEY
CLERK OF DISTRICT COURT
MADISON COUNTY, IOWA

NOTICE OF APPEAL TO THE DISTRICT COURT OF IOWA, IN AND FOR MADISON COUNTY

TO.....IOWA STATE HIGHWAY COMMISSION, acting for and in behalf of the State of Iowa; FARMERS AND MERCHANTS STATE BANK, Winterset, Iowa; MADISON COUNTY, IOWA; and REX ROUSE, Sheriff of Madison County, Iowa:

YOU, AND EACH OF YOU, are hereby notified that the undersigned, Albert E. Welch and Lois Eve Welch, do hereby appeal to the District Court of Iowa, in and for Madison County, from the appraisal and awarding of damages made on the 3rd day of June, 1966, by the Commission appointed therefor for the purpose of appraising and awarding to the undersigned the damages sustained as a result of the condemnation and taking by right of eminent domain for highway purposes from the following described real estate, to-wit:

Parts of the NE¼ NE¼, SE¼NE¼ of Sec. 2, T75N, R28W of the 5th P.M., Madison County, Iowa.

The fee title appropriated by the Iowa State Highway Commission in said land is described as follows:

All that part of the East 16 rods of Sec. 2, T75N, R28W of the 5th P.M. lying northerly of the present southerly right of way line of Primary Road No. 92.

The access rights appropriated by the Iowa State Highway Commission in said land are described as follows:

MATT PARROTT & SONS CO., WINTERSET, IOWA 64-2012

All rights of direct access to and from Primary Road No. 92 and "The North 100 rods of the East 16 rods of Section 2-75-28" excepting and reserving to the condemnees a commercial entrance at Station 742+54 on the south side, said Station 742+54 being 9.1 ft. westerly of the east line of said Section 2.

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

You are further notified that a petition will be filed in said cause in the office of the Clerk of the District Court of Iowa, in and for Madison County, on or before the first day of the next term of the District Court of Iowa, in and for Madison County, to-wit: The Spetember Term which will convene in Winterset, Madison County, Iowa, on the 6th day of September, 1966, and said cause will be heard and disposed of as by law provided.

Dated at Winterset, Iowa, this 21st day of June, 1966.

ALBERT E. WELCH and LOIS EVE WELCH
By WEBSTER, FREDERICK & JORDAN
By Lewis H. Jordan
Lewis H. Jordan
Farmers & Merchants State Bank Bldg.
Winterset, Iowa 50273
Telephone 462-3731
ATTORNEYS FOR PLAINTIFFS

FILED: 1966 JUL 6 PM 4 13
MARGUERITE MORRISSEY
CLERK OF DISTRICT COURT
MADISON COUNTY, IOWA

ACKNOWLEDGEMENT OF SERVICE

Farmers and Merchants State Bank of Winterset, Iowa, hereby acknowledges service of the within and foregoing notice of appeal.

Dated at Winterset, Iowa, this 23rd day of June, 1966.

FARMERS AND MERCHANTS STATE BANK
By N. E. Kelley
N. E. Kelley, President

FILED: 1966 JUL 6 PM 4 13
MARGUERITE MORRISSEY
CLERK OF DISTRICT COURT
MADISON COUNTY, IOWA

ACKNOWLEDGEMENT OF SERVICE

I, Rex Rouse, Sheriff of Madison County, Iowa, hereby acknowledge service of the within and foregoing notice of appeal.

Dated at Winterset, Iowa, this 24th day of June, 1966.

Rex Rouse
Rex Rouse, Sheriff of Madison County, Iowa

FILED: 1966 JUL 6 PM 4 13
MARGUERITE MORRISSEY
CLERK OF DISTRICT COURT
MADISON COUNTY, IOWA

ACKNOWLEDGEMENT OF SERVICE

I, Wayne A. Griffith, Auditor of Madison County, Iowa, hereby acknowledge service of the within and foregoing notice of appeal.

Dated at Winterset, Iowa, this 23 day of June, 1966.

MADISON COUNTY, IOWA
By Wayne A. Griffith
Wayne A. Griffith, Madison County
Auditor

IN THE DISTRICT COURT OF THE STATE OF IOWA IN AND FOR MADISON COUNTY

ALBERT E. WELCH, ET UX, Plaintiffs,	: LAW NO. 20030	FILED: 1966 AUG 10 AM 10 10
v.	:	MARGUERITE MORRISSEY
IOWA STATE HIGHWAY COMMISSION,	:	CLERK OF DISTRICT COURT
Defendant.	: APPLICATION TO WITHDRAW FUNDS	MADISON COUNTY, IOWA

COMES NOW the Defendant in the above-entitled action and states and shows to the Court:

1. That on the 2nd day of June, 1966, the Defendant, Iowa State Highway Commission on behalf of the State of Iowa, acquired certain rights in land of which Plaintiffs were the owners through condemnation proceedings, and that the award of the condemnation commission was in the sum of Two Hundred Dollars ($200.00) for which amount a warrant has been deposited

HAITT PARROTT & SONS CO., WATERLOO, IOWA 64-3012

with the Sheriff of Madison County, Iowa.

2. That the above-named Plaintiffs are the persons entitled to the award of the condemnation commission and that Section 472.25 of the 1962 Code of Iowa applies to the within procedure.

3. That the Defendant is entitled to take possession of the rights in land condemned and to proceed with the improvement and that the best interests of the parties will be served by this Court directing that damages to the extent of Two Hundred Dollars ($200.00), said sum representing the full amount of the award of the condemnation commission deposited with the Sheriff, be paid to the Plaintiffs herein.

WHEREFORE, the Defendant, Iowa State Highway Commission, respectfully requests this Court to enter an Order entitling the Plaintiffs to withdraw the sum of Two Hundred Dollars ($200.00) heretofore deposited with the Sheriff of Madison County in the within matter and entitling the Defendant herein to continued possession of the property rights condemned in this proceeding and for such other and further Orders as to this Court may seem proper and just.

IOWA STATE HIGHWAY COMMISSION
LAWRENCE F. SCALISE
Attorney General of Iowa
RAYMOND T. WALTON
Special Assistant Attorney General and
Counsel to Iowa State Highway Commission
Ames, Iowa
BY L. Michael McGrane
L. MICHAEL McGRANE
Assistant Attorney General
Iowa State Highway Commission
Ames, Iowa
Phone: 232-7250, Ext. 342 (A.C. 515)
BY Leonard M. Flander
LEONARD M. FLANDER
Attorney at Law
Winterset, Iowa
Phone: 462-4912 (A.C. 515)
ATTORNEYS FOR DEFENDANT

copy for:

Webster, Frederick & Jordan
Attorneys at Law
Farmers' & Merchants' State Bank Bldg.
Winterset, Iowa
Phone: 462-3731 (A.C. 515)
ATTORNEYS FOR PLAINTIFFS
Copy Hereof Delivered to Webster,
Frederick & Jordan on August 10, 1966
Beverly Ham Deputy Clerk of
District Court Madison County, Iowa

IN THE DISTRICT COURT OF THE STATE OF IOWA IN AND FOR MADISON COUNTY

ALBERT E. WELCH, ET UX, Plaintiffs, v. IOWA STATE HIGHWAY COMMISSION, Defendant. : LAW NO. 20030 : ORDER FOR DISBURSEMENT OF FUNDS

FILED: 1966 AUG 10 AM 11 57
MARGUERITE MORRISSEY
CLERK OF DISTRICT COURT
MADISON COUNTY, IOWA

NOW ON THIS 10 day of August, 1966, the Application to Withdraw Funds comes before this Court in its regular order wherein the Defendant, Iowa State Highway Commission, requests the disbursement of certain funds now held by the Sheriff of Madison County in the above-entitled condemnation action.

After reviewing the Application and the court file and hearing statements of counsel, this Court finds that the award of the condemnation commission was in the sum of Two Hundred Dollars ($200.00) for which amount a warrant is presently on deposit with the Sheriff of Madison County, Iowa, and that Section 472.25, 1962 Code of Iowa, applies to the within procedure and that the payment sought in the Application to Withdraw Funds and in connection with the Order herein is without prejudice to or effect upon the rights of any of the parties and is subject to the provisions of the Code Section referred to above.

This Court further finds that the Sheriff of Madison County should be and he is hereby authorized to transfer the warrant of the State Comptroller payable to the above-named Plaintiffs in the amount of Two Hundred Dollars ($200.00) to the Clerk of the District Court of the State of Iowa in and for Madison County to be receipted out therefrom by the Plaintiffs on the docket in the within cause.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the Sheriff of Madison County be and he is hereby ordered to transfer the warrant of the State Comptroller presently in his possession payable to the above-named Plaintiffs in the amount of Two Hundred Dollars ($200.00) to the Clerk of the District Court of the State of Iowa in and for Madison County to be re-

MATT PARROTT & SONS CO., WATERLOO, IOWA 64-3012

ceipted out therefrom by the Plaintiffs on the docket in the within cause.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the right of possession to the property herein on the part of the Defendant, Iowa State Highway Commission, shall remain and continue as provided by law.

Copy Hereof Delivered to Webster,
Frederick & Jordan on August 10, 1966
Beverly Ham Clerk of District Court
Madison County, Iowa

S. E. Prall Judge of the
Fifth Judicial District of Iowa