Madison County Livestock & Fair Association
To
State of Iowa

#276

Fee $36.50 I.M.M.

Filed for record the 8 day of February A.D. 1967 at 8:31 o'clock A. M.

Mary E. Welty, Recorder

SETTLEMENT & DISMISSAL OF APPEAL FROM CONDEMNATION AWARD

FILED
1966 JUL 6 PM 4:12
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

IN THE DISTRICT COURT OF IOWA
IN AND FOR MADISON COUNTY

MADISON COUNTY LIVESTOCK and FAIR ASSOCIATION, Plaintiff,
-vs-
IOWA STATE HIGHWAY COMMISSION, Defendant.

LAW NO. 20029

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; EATHEL B. EYERLY; EATHEL B. EYERLY, Administrator of the Estate of Kenneth W. Eyerly, deceased; DISTRICT COURT OF MADISON COUNTY, IOWA, in care of Marguerite Morrissey, Clerk of said Court; MADISON COUNTY, IOWA; and REX ROUSE, Sheriff of Madison County, Iowa:

YOU, AND EACH OF YOU, are hereby notified that the undersigned, Madison County Livestock and Fair Association, 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:

Part of the NW¼ NW¼ of Sec. 1, 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:

The North 33 ft. of the following described tract: "Commencing at the NE corner of the W. 6.51 acres of the NE.¼NW¼ Sec. 1-75-28 and on the center line of Highway #92, thence West 24 Rods to the point of beginning, thence W. along said center line to a point 188.5 feet E. of the NW. Corner of the E. 21.12 acres of the NW.¼NW¼ of said Sec. 1, thence S. 17.77 rods, thence E. to a point 24 rods W. of the E. line of said 6.51 acre tract, thence North 17.77 rods to the point of beginning".

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

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

All rights of direct access to and from Primary Road No. 92 and that portion of the condemnees' remaining property in: Part of the East 21.12 acres of the NW¼NW¼ of Sec. 1, T75N, R28W of the 5th P.M. (Sta. 751+11± to Sta. 753+84±) excepting and reserving to the condemnees a commercial entrance at Sta. 751+41, South side, said Sta. being 877.9 ft. East of the NW Cor. of said Sec. 1, and a fair ground entrance at Sta. 753+73, said Sta. being 1109.9 ft. East of the NW Cor. of said Sec. 1.

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 22nd day of June, 1966.

MADISON COUNTY LIVESTOCK AND
FAIR ASSOCIATION
By WEBSTER, FREDERICK & JORDAN
By Lewis H. Jordan
Lewis H. Jordan
Farmers & Merchants State Bank Bldg.
Winterset, Iowa 50273 Telephone 462-3731
ATTORNEYS FOR PLAINTIFF

ACKNOWLEDGEMENT OF SERVICE

Filed
1966 JUL 6 PM 4:13
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

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

MADISON COUNTY LIVESTOCK AND FAIR ASSOCIATION, Plaintiff, -vs- IOWA STATE HIGHWAY COMMISSION, Defendant.	: LAW NO. 20029 : 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

RECEIVED
6-23-66 3:10 PM DR
Madison County Sheriff
Winterset, Iowa

TO...IOWA STATE HIGHWAY COMMISSION, acting for and in behalf of the State of Iowa; EATHEL B. EYERLY; EATHEL B. EYERLY, Administrator of the Estate of Kenneth W. Eyerly, deceased; DISTRICT COURT OF MADISON COUNTY, IOWA, in care of Marguerite Morrissey, Clerk of said Court: MADISON COUNTY, IOWA; and REX ROUSE, Sheriff of Madison County, Iowa:

YOU, AND EACH OF YOU, are hereby notified that the undersigned, Madison County Livestock and Fair Association, 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:

Part of the NW¼ NW¼ of Sec. 1, T75N, R28 W 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:

The North 33 ft. of the following described tract: "Commencing at the NE corner of the W. 6.51 acres of the NE.¼NW¼ Sec. 1-75-28 and on the center line of Highway #92, thence West 24 Rods to the point of beginning, thence W. along said center line to a point 188.5 feet E. of the NW. Corner of the E. 21. 12 acres

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

of the NW.¼NW¼ of said Sec. 1, thence S. 17.77 rods, thence E. to a point 24 rods W. ofthe E. line of said 6.51 acre tract, thence North 17.77 rods to the point of beginning".

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 that portion of the condemnees' remaining property in: Part of the East 21.12 acres of the NW¼NW¼ of Sec. 1, T75N, R28W of the 5th P. M. (Sta. 751+11± to Sta. 753+84±) excepting and reserving to the condemnees a commercial entrance at Sta. 751+41, South side, said Sta. being 877.9 ft. East of the NW Cor. of said Sec. 1, and a fair ground entrance at Sta. 753+73, said Sta. being 1109.9 ft. East of the NW Cor. of said Section 1.

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 22nd day of June, 1966.

MADISON COUNTY LIVESTOCK AND
FAIR ASSOCIATION
By WEBSTER, FREDERICK & JORDAN
By Lewis H. Jordan
Lewis H. Jordan
Farmers & Merchants State Bank Bldg.
Winterset, Iowa 50273
Telephone 462-3731
ATTORNEYS FOR PLAINTIFF

RETURN OF ORIGINAL NOTICE

STATE OF IOWA Madison County) ss

The within notice received this 23th day ofJune, 1966, 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
Eathel B. Eyerly	June	24	1966	Center	Madison	Iowa
Eathel B. Eyerly, Administrator of the Estate of Kenneth W. Eyerly, Deceased	June	24	1966	Center	Madison	Iowa

Service & Copy $1.25
Mileage .20
$1.45 Paid by Plaintiffs
Attorney 6-23-66 D.R.

Rex Rouse
Res Rouse, Sheriff

FILED
1966 JUL 6 PM 4:13
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

IN 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

MADISON COUNTY LIVESTOCK AND FAIR ASSOCIATION, Plaintiff,
-vs-
IOWA STATE HIGHWAY COMMISSION, Defendant.

LAW NO. 20029

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; EATHEL B. EYERLY; EATHEL B. EYERLY, Administrator of the Estate of Kenneth W. Eyerly, deceased; DISTRICT COURT OF MADISON COUNTY, IOWA, in care of Marguerite Morrissey, Clerk of said Court; MADISON COUNTY, IOWA; and REX ROUSE, Sheriff of Madison County, Iowa:

YOU, AND EACH OF YOU, are hereby notified that the undersigned, Madison County Livestock and Fair Association, 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:

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

Part of the NW¼ NW¼ of Sec. 1, 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:

The North 33 ft. of the following described tract: "Commencing at the NE corner of the W. 6.51 acres of the NE.¼NW¼ Sec. 1-75-28 and on the center line of Highway #92, thence West 24 Rods to the point of beginning, thence W. along said center line to a point 188.5 feet E. of the NW. Corner of the E. 21.12 acres of the NW.¼NW¼ of said Sec. 1, thence S. 17.77 rods, thence E. to a point 24 rods W. of the E. line of said 6.51 acre tract, thence North 17.77 rods to the point of beginning".

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 that portion of the condemnees' remaining property in: Part of the East 21.12 acres of the NW¼NW¼ of Sec. 1, T75N, R28W of the 5th P. M. (Sta. 751+11± to Sta. 753+84±) excepting and reserving to the condemnees a commercial entrance at Sta. 751+41, South side, said Sta. being 877.9 ft. East of the NW Cor. of said Sec. 1, and a fair ground entrance at Sta. 753+73, said Sta. being 1109.9 ft. East of the NW Cor. of said Sec. 1.

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 22nd day of June, 1966.

MADISON COUNTY LIVESTOCK AND
FAIR ASSOCIATION
By WEBSTER, FREDERICK & JORDAN
By Lewis H. Jordan
Lewis H. Jordan
Farmers & Merchants State Bank Bldg.
Winterset, Iowa 50273 Telephone 462-3731
ATTORNEYS FOR PLAINTIFF

ACKNOWLEDGEMENT OF SERVICE

Filed 1966 JUL 6 PM 4:13
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

I, Marguerite Morrissey, Clerk of the District Court of Iowa, in and for Madison County, hereby acknowledge service of the within and foregoing notice of appeal.

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

DISTRICT COURT OF MADISON COUNTY, IOWA
By Marguerite Morrissey
Marguerite Morrissey, Clerk of the
District Court, Madison County, Iowa

ACKNOWLEDGEMENT OF SERVICE

Filed 1966 JUL 6 PM 4:13
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

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

ACKNOWLEDGEMENT OF SERIVCE

Filed 1966 JUL 6 PM 4:13
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

I, Wayne A. Griffith, Auditor of Madison County, Iowa, hereby acknowledge service of the

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

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

FILED
1966 AUG 10 AM 10:10
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

MADISON COUNTY LIVESTOCK AND FAIR ASSOCIATION, Plaintiff, v. IOWA STATE HIGHWAY COMMISSION, Defendant. : LAW NO. 20029 : APPLICATION TO WITHDRAW FUNDS

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 Plaintiff was the owner 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 with the Sheriff of Madison County, Iowa.

2. That the above-named Plaintiff is the party 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 Plaintiff herein.

WHEREOF, the Defendant, Iowa State Highway Commission, respectfully requests this Court to enter an Order entitling the Plaintiff 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
Farmers' & Merchants' State Bank Bldg.
Winterset, Iowa Phone: 462-3731(A.C. 515)
ATTORNEYS FOR PLAINTIFF

Copy Hereof Delivered to
Webster, Frederick & Jordan
on August 11, 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

FILED
1966 AUG 10 AM 11:59
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

MADISON COUNTY LIVESTOCK AND FAIR ASSOCIATION, Plaintiff, v. IOWA STATE HIGHWAY COMMISSION, Defendant. : LAW NO. 20029 : ORDER FOR DISBURSEMENT OF FUNDS

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.

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

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 Plaintiff in the amount of Two Hundred Dollars ($200.00) to theClerk of the District Court of the State of Iowa in and for Madison County to be receipted out therefrom by the Plaintiff 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 Plaintiff 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 Plaintiff 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.

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

Copy Hereof Delivered to
Webster, Frederick & Jordan
on August 11, 1966
Beverly Ham Deputy Clerk of District
Court Madison County, Iowa

IN THE DISTRICT COURT OF IOWA
IN AND FOR MADISON COUNTY

FILED
1966 SEP 2 PM 4:08
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

MADISON COUNTY LIVESTOCK AND FAIR ASSOCIATION, Plaintiff, vs. IOWA STATE HIGHWAY COMMISSION, Defendant. : LAW NO. 20029 : PETITION AT LAW ON APPEAL FROM DAMAGES AWARDED FOR CONDEMNATION OF CERTAIN REAL ESTATE.

Comes now the Plaintiff and for cause of action against the Defendant states to the Court:

Par. 1

That the Plaintiff is a corporation organized and existing under the laws of the State of Iowa.

Par. 2

That Plaintiff is the owner of the following described real estate, to-wit:

> Commencing at a point 17.77 rods South of the center line of Highway No. 92 and 24 rods West of the East line of the West 6.51 acres of the Northeast Fractional Quarter (¼) of the Northwest Quarter (¼) of Section One (1) in Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5th P.M., running thence West to a point 188.5 feet East of the West line of the East 21.12 acres of the Northwest Fractional Quarter(¼) of the Northwest Quarter (¼) of said Section One (1), thence North to said center line of Highway No. 92, thence East to a point due North of the place of beginning, thence South to the place of beginning,

Par. 3

That said real estate was purchased by Plaintiff on August 27, 1965.

Par. 4.

That under the Madison County Zoning Ordinance adopted by the Board of Supervisors of Madison County, Iowa, on the 16th day of May, 1966, said real estate is zoned "R" residential. That said zoning ordinance provides in part in Section 8, sub-section C:

> "Lots containing any buildings used in whole or in part for residence purposes shall abut for at least forty (40) feet on at least one street

MAID FARROTT & SONS CO., WATERLOO, IOWA 64-3012

or have an exclusive unobstructed private easement of access or right of way at least twenty (20) feet wide to a street; and there shall be only one single family dwelling for such frontage or easement."

Par. 5.

That Section 10 of said Madison County Zoning Ordinance sets forth the regulations for "R" residential districts and that sub-section A-3 of said Section 10 lists "one and two family dwellings" as one of the eleven principal permitted uses.

Par. 6.

That under the sub-division regulations adopted by Madison County, Iowa, on the 16th day of May, 1966, the minimum requirements for any access street constructed on plaintiff's real estate are as follows:

"Minimum paving required within one (1) mile of towns with a Planning Commission: Portland Cement Concrete - six (6) inch reinforced (3,000 p.s.i.), or seven (7) inch non-reinforced with six (6) inch integral curb; Asphaltic Concrete - seven (7) inch with five (5) inch coarse graded binder course, and two (2) inch fine graded surface course with six (6) inch cement concrete curb integral with twenty-four (24) inch cement concrete gutter (30" overall); Asphaltic Concrete must be approved by the County Engineer."

Par. 7.

That on or about the 3rd day of June, 1966, the defendant, Iowa State Highway Commission, took and appropriated by condemnation proceedings a part of plaintiff's real estate described in paragraph 2 hereof for highway purposes and did in addition appropriate all rights of direct access to and from Primary Road No. 92 except for a commercial entrance and a fair ground entrance. That the fee title appropriated by the defendant in said land belonging to plaintiff is described as follows:

The North 33 ft. of the following described tract: "Commencing at the NE corner of the W. 6.51 acres of the NE.¼NW¼ Sec. 1-75-28 and on the center line of Highway #92, thence West 24 Rods to the point of beginning, thence W. along said center line to a point 188.5 feet E. of the NW. corner of the E. 21.12 acres of the NW.¼NW¼ of said Sec. 1, thence S. 17.77 rods, thence E. to a point 24 rods W. of the E. line of said 6.51 acre tract, thence North 17.77 rods to the point of beginning".

That the access rights appropriated by the defendant to said land 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 East 21.12 acres of the NW¼NW¼ of Sec. 1, T75N, R28W of the 5th P.M. (Sta. 751+11± to Sta. 753+84±) excepting and reserving to the condemnees a commercial entrance at Sta. 751+41, South side, said Sta. being 877.9 ft. East of the NW Cor. of said Sec. 1, and a fair ground entrance at Sta. 753+73, said Sta. being 1109.9 ft. East of the NW Cor. of said Sec. 1."

Par. 8.

That the fair and reasonable value of the entire tract of real estate as described in paragraph 2 hereof before said condemnation was Ten Thousand Dollars ($10,000.).

Par. 9.

That the fair and reasonable value of said real estate as a whole immediately after said condemnation was Four Thousand Six Hundred Dollars ($4,600.).

Par. 10.

That on account of said condemnation and taking, plaintiff has been damaged for the total sum of Five Thousand Four Hundred Dollars ($5,400.). That the items of damage to plaintiff's real estate as a whole by reason of said condemnation and appropriation are stated specifically as follows:

A. The taking of the fee title of the North 33 feet of plaintiff's real estate for highway right of way purposes.

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

B. The injury, loss, and damage occasioned by the condemnation of plaintiff's right of direct access to and from Primary Road No. 92.

C. By reducing the salability of plaintiff's real estate by the condemnation and appropriation of plaintiff's right of direct access to and from Primary Road No. 92 which when coupled with said Madison County Zoning Ordinance and sub-division regulations prevents the sub-division, development or sale of any portion of plaintiff's real estate for residential lots for which said real estate is zoned without the necessity of constructing an access road parallel to Primary Road No. 92, which access road would have to be located on and take up a portion of plaintiff's real estate, and which access road must meet thespecifications of said sub-division regulations as hereinbefore set forth and provided that under the record of this condemnation proceeding plaintiff, or their successors in interest in said real estate, would be allowed to connect such an access road with the two entrances reserved to plaintiff by this condemnation as such entrances are now designated.

D. By Reducing the value of plaintiff's real estate by the condemnation and appropriation of plaintiff's right of direct access to and from Primary Road No. 92 which appropriation and condemnation restricts the use or development of plaintiff's real estate, between the two entrances reserved to plaintiff by this condemnation, for any purpose.

Par. 11.

That the amount of specific items and damage to plaintiff's real estate as a whole is the total sum of Five Thousand Four Hundred Dollars ($5,400.).

WHEREFORE, plaintiff demands judgment against the defendant, Iowa StateHighway Commission for the sum of Five Thousand Four Hundred Dollars ($5,400.00) together with interest thereon at the rate of five (5) per cent per annum from and after date of June 3, 1966, together with the costs of maintaining this action including reasonable attorney fees for plaintiff's attorneys as provided by law.

WEBSTER, FREDERICK & JORDAN
By Lewis H. Jordan
Lewis H. Jordan
Farmers & Merchants State Bank Bldg.
Winterset, Iowa 50273
Telephone 462-3731
ATTORNEYS FOR PLAINTIFF

Original and one copy filed.

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

FILED
1966 OCT 3 AM 9:34
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

MADISON COUNTY LIVESTOCK AND FAIR ASSOCIATION, Plaintiff, vs. IOWA STATE HIGHWAY COMMISSION, Defendant.	)	Law No. 20029
	)	ANSWER

Comes now the Iowa State Highway Commission, Defendant herein, and in anser to Plaintiff's petition states:

PARA. 1.

That it admits the allegations contained in Paragraph 1 of the Plaintiff's petition.

PARA. 2

That it admits the allegations contained in Paragraph 2 of the Plaintiff's petition.

PARA. 3

That it admits the allegations contained in Paragraph 3 of the Plaintiff's petition.

PARA. 4

That it admits the allegations contained in Paragraph 4 of the Plaintiff's petition, but states that those allegations are irrelevent, incompetent, and immaterial to these pleadings and evidentiary in nature and ought to be stricken.

PARA. 5.

That it admits the allegations contained in Paragraph 5 of the Plaintiff's petition, but

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

states that those allegations are irrelevent, incompetent, and immaterial to these pleadings and evidentiary in nature and ought to be stricken.

PARA. 6.

That they admit the provisions of the regulations as set forth in Paragraph 6 of Plaintiff's petition, but states that those allegations are irrelevent, incompetent, and immaterial to these pleadings and evidentiary in nature and ought to be stricken.

PARA. 7.

That they admit the allegations contained in Paragraph 7 of the Plaintiff's petition.

PARA. 8.

That it admits the allegations contained in Paragraph 8 of Plaintiff's petition.

PARA. 9.

That it denies the allegations contained in Paragraph 9 of the Plaintiff's petition.

PARA. 10.

That it denies the allegations contained in Paragraph 10 of Plaintiff's petition and specifically denies the allegations of sub-paragraph A, B, C, D of said Paragraph 10.

PARA. 11.

That it denies the allegations contained in Paragraph 11 of Plaintiff's petition.

WHEREFORE, This Defendant, Iowa State Highway Commission, prays that Plaintiff's petition be dismissed or that in the alternative, the Plaintiff be held to strick proof and that their damages be determined according to law.

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: Delivered 10-3-66
Webster, Frederick & Jordan
Farmers & Merchants State Bank Bldg.
Winterset, Iowa
Phone: 462-3731 (A.C. 515)
ATTORNEYS FOR PLAINTIFF.

IN THE DISTRICT COURT OF IOWA
IN AND FOR MADISON COUNTY

FILED
1966 OCT 6 PM 4:08
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

MADISON COUNTY LIVESTOCK AND FAIR ASSOCIATION, Plaintiff, -vs- IOWA STATE HIGHWAY COMMISSION, Defendant. : Law No. 20029 : MOTION TO STRIKE

Comes now the plaintiff and moves to strike the following allegations from the defendant's answer:

1. All that part of paragraph 4 following the word "petition" for the reason that the same is an improper conclusion not stating or supported by any statement of ultimate fact.

2. All that part of paragraph 5 following the word "petition" for the reason that the same is an improper conclusion not stating or supported by any statement of ultimate fact.

3. All that part of paragraph 6 following the word "petition" forthe reason that the same is an improper conclusion not stating or supported by any statement of ultimate fact.

WEBSTER, FREDERICK & JORDAN
By Lewis H. Jordan
Lewis H. Jordan
Farmers & Merchants State Bank Bldg.
Winterset, Iowa 50273
ATTORNEYS FOR PLAINTIFF

Original and one copy filed.

CC to: Leonard M. Flander Delivered 10-7-66
Winterset, Iowa
ATTORNEY FOR DEFENDANT

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

IN THE DISTRICT COURT OF IOWA
IN AND FOR MADISON COUNTY

FILED
1966 OCT 21 PM 3:59
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa.

MADISON COUNTY LIVESTOCK AND FAIR ASSOCIATION, Plaintiff,
-vs-
IOWA STATE HIGHWAY COMMISSION, Defendant.

Law No. 20029

INTERROGATORIES

Pursuant to R.C.P. 121, plaintiff propounds the following interrogatories to be answered by the defendant under oath:

1. State the names and addresses of all persons who to your knowledge have made appraisals of the plaintiff's property on your behalf and the dates that such appraisals were made by each individual appraiser.

2. Do you plan any further appraisals of plaintiff's property and, if so, list the names and addresses of the persons who will make said appraisals.

3. State the name, address and position of the person who is in charge of or is in a supervisory position over all appraisals made or to be made by you of the plaintiff's property.

4. State which persons, if any, listed in your answer to interrogatories 1 and 2 hereof are employees of the Iowa State Highway Commission or were at the time of making such appraisals and which are independent appraisers engaged by the Highway Commission.

5. State the names and addresses of all persons employed by or who appeared in behalf of the Iowa State Highway Commission before the Condemnation Commissioners who met on June 2 and 3, 1966, to appraise the damages sustained by plaintiff by virtue of the condemnation which is the subject matter of this cause and the position or capacity in which such persons appeared.

6. State the name and address of the engineer or engineers who either designed or are familiar with the road design of the improvements now being made to Highway 92 as said Highway extends West of the City of Winterset and who could accurately interpret the plans and specifications for the proposed improvements to said Highway as the same affect the plaintiff's property.

7. State the name, address and position of the person who has charge of and is in control of the various maps, plats, charts, drawings and all other engineering data pertinent to the improvement of Highway 92 as the same affects the plaintiff's property.

WEBSTER, FREDERICK & JORDAN
By Lewis H. Jordan
Lewis H. Jordan
Farmers & Merchants State Bank Building
Winterset, Iowa 50273
ATTORNEYS FOR PLAINTIFF

Original & 2 copies filed.

CC to: L. Michael McGrane Mailed 10-22-66
Assistant Attorney General
Iowa State Highway Commission
Ames, Iowa

CC to: Leonard M. Flander Delivered 10-22-66
Attorney at Law
Winterset, Iowa

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

FILED
1966 OCT 27 AM 10:52
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

MADISON COUNTY LIVESTOCK AND FAIR ASSOCIATION, Plaintiff,
vs.
IOWA STATE HIGHWAY COMMISSION, Defendant.

Law No. 20029

ANSWERS TO INTERROGATORIES

Comes now the Defendant Iowa State Highway Commission and in answer to Plaintiff's Interrogatories states in answers corresponding to the numbered interrogatory:

1. Robert P. Hayes, Burrell Appraisal and Investment Company, Knoxville, Iowa, December 22, 1965.

2. No further appraisals are planned at this time, but such may be considered before trial.

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

3. James L. Stober, Right of Way Engineer, Iowa State Highway Commission, Ames, Iowa.

4. Robert P. Hayes is an independent appraiser.

5. Robert R. Oglesby, Right of Way Department, Iowa State Highway Commission, Ames, Iowa; Duncan Baird, Condemnation Examiner, Iowa State Highway Commission, Ames, Iowa; and Andrew Garnes, formerly Assistant Resident Construction Engineer, Creston, Iowa, present address unknown.

6. Del S. Jesperson, Resident Construction Engineer, Iowa State Highway Commission, Creston, Iowa.

7. Del S. Jesperson, Resident Construction Engineer, Iowa State Highway Commission, Creston, Iowa.

IOWA STATE HIGHWAY COMMISSION
By Leonard M. Flander
Leonard M. Flander

STATE OF IOWA, MADISON COUNTY) SS

I, Leonard M. Flander, being first duly sworn on oath do hereby depose and state: That I am the attorney for the above named defendant; That I am authorized to sign these answers as such attorney; That I prepared the above and foregoing answers and know the contents thereof, and that the statements and allegations therein contained are true and correct as I verily believe.

Leonard M. Flander
Leonard M. Flander

Subscribed and sworn to before me this 27 day of October, 1966.

(DISTRICT COURT SEAL)

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

Copy Hereof Delivered to Webster,
Frederick & Jordan on 10-27-66.
M. Morrissey Clerk of
District Court Madison County, Iowa

IN THE DISTRICT COURT OF IOWA
IN AND FOR MADISON COUNTY

MADISON COUNTY LIVESTOCK AND FAIR ASSOCIATION, Plaintiff, vs. IOWA STATE HIGHWAY COMMISSION, Defendant.) No. 20029 NOTICE OF CALENDAR ENTRY

TO Webster, Frederick & Jordan, L. Michael McGrane, Assistant Attorney General and Leonard M. Flander.

You are hereby notified of a Calendar entry in the above entitled case as follows: "Plaintiffs motion to strike sustained as to all items thereof."

/s/ S. E. Prall, Judge

Dated this 27th day of October, 1966.

- - - - - - - - - - - - Clerk District Court

The above notice was mailed to Webster, Frederick & Jordan, L. Michael McGrane and Leonard M. Flander, on the 28th day of October, 1966.

- - - - - - - - - - - - Clerk District Court.

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

FILED
1966 NOV 17 AM 10:22
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

IN THE MATTER OF THE CONDEMNATION OF CERTAIN RIGHTS IN LAND BY THEIOWA 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-92-4(2)--20-61, "F".

MADISON COUNTY LIVESTOCK ASSOCIATION, Plaintiff
v.
IOWA STATE HIGHWAY COMMISSION, Defendant.

LAW NO. 20029

STIPULATION OF SETTLEMENT OF APPEAL FROM CONDEMNATION AWARD.

IT IS HEREBY STIPULATED AND AGREED TO BY AND BETWEEN THE PARTIES HERETO AS FOLLOWS:

1. That on the 2nd day of June, 1966, the Defendant, on behalfof the State of Iowa, appropriated by condemnation proceedings certain rights in land of which Plaintiff association

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

was the owner, and said rights are more fully described in the condemnation proceedings from which this appeal was taken.

2. That the Defendant has heretofore caused to be deposited in the office of the Sheriff of Madison County, Iowa, a warrant of the State Comptroller in the amount of Two Hundred Dollars ($200.00) payable to the above-named Plaintiff association, which amount represents the full award of the Condemnation Commission in connection with the proceedings from which this appeal was taken.

3. That pursuant to proper Application and Order of this Court heretofore filed in these proceedings, the said award of Two Hundred Dollars ($200.00) was ordered paid to the Plaintiff association without prejudice to the rights of any of the parties herein and pending the outcome of the within matter.

4. That the Defendant will cause to be issued an additional warrant of the State Comptroller in the amount of One Thousand Eight Hundred Dollars ($1,800.00) payable to the above named Plaintiff association, and will cause the same to be delivered to the Clerk of the District Court of the State of Iowa in and for Madison County to be receipted out therefrom by the Plaintiff association on the docket in the within cause.

5. That the Plaintiff association will accept both State Comptroller warrants referred to above totaling Two Thousand Dollars ($2,000.00) as full and complete compensation for said appropriation and all damages resulting therefrom, will waive any claim for interest in this proceeding and will dismiss the within appeal with prejudice, costs to be taxed to the Defendant.

6. That it is hereby stipulated and agreed to by the parties hereto that Plaintiff's attorney, Lewis H. Jordan, of the firm of Webster, Frederick & Jordan, Winterset, Iowa, will submit to the Court an accounting of the time spent in preparation for trial in connection with this appeal, and that the above-named Court will set the amount of attorney fees due and payable to Mr. Jordan in connection therewith, and that said allowance of fees will be paid by the Defendant, Iowa State Highway Commission.

Dated this 17 day of November, 1966.

MADISON COUNTY LIVESTOCK
ASSOCIATION, Plaintiff,
By Lewis H. Jordan
LEWIS H. JORDAN
Webster, Frederick & Jordan
Attorneys at Law
Winterset, Iowa 50273
Phone: 462-3731
ATTORNEY FOR PLAINTIFF.

IOWA STATE HIGHWAY COMMISSION, Defendant,
LAWRENCE F. SCALISE
Attorney General of Iowa
RAYMOND T. WALTON
Special Assistant Attorney General and
Counsel to Iowa State Highway Commission
Ames, Iowa 50010
By L. Michael McGrane
L. MICHAEL McGRANE
Assistant Attorney General
Iowa State Highway Commission
Ames, Iowa 50010
Phone: 232-7250, Ext. 342
By Leonard M. Flander
LEONARD M. FLANDER, Attorney at Law
Winterset, Iowa 50273 Phone: 462-4912
ATTORNEYS FOR DEFENDANT.

Copy Hereof Delivered to
Webster, Frederick & Jordan
by Leonard M. Flander on
11-17-66.
Beverly Ham Deputy
Clerk of District Court
Madison County, Iowa

IN THE DISTRICT COURT OF IOWA
IN AND FOR MADISON COUNTY

FILED
1966 NOV 18 PM 3:53
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

MADISON COUNTY LIVESTOCK AND FAIR ASSOCIATION, Plaintiff,
-vs-
IOWA STATE HIGHWAY COMMISSION, Defendant.

Law No. 20029

APPLICATION FOR ALLOWANCE OF ATTORNEY FEES.

Comes now Lewis H. Jordan of Webster, Frederick & Jordan, Attorney for the Plaintiff herein, and respectfully states to the Court:

That the within and foregoing case was settled between the parties hereto on November 7, 1966, the morning which had been set for the trial of this cause; that a stipulation was filed herein on or about the 17th day of November, 1966, whereby the Defendant agreed to pay reasonable attorney fees to Plaintiff's attorneys as fixed by the Court.

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

That attached hereto and by this reference made a part hereof, marked Exhibit "A" is an itemized statement of this applicant's services in connection with the appeal herein. That this applicant spent approximately thirty-two (32) hours in preparation for the trial, and in view of the settlement of this cause, feels that the Court should fix his fees at Six Hundred Fifty Dollars ($650).

WHEREFORE, this applicant prays for an Order fixing his fees herein at Six Hundred Fifty Dollars ($650).

WEBSTER, FREDERICK & JORDAN
By Lewis H. Jordan
Lewis H. Jordan
Farmers & Merchants State Bank Bldg.
Winterset, Iowa 50273
Telephone 462-3731

Original and two copies filed.

Copies to: L. Michael McGrane, Assistant Attorney General Copy Mailed
Iowa State Highway Commission, Ames, Iowa 11-21-66

Leonard M. Flander, Winterset, Iowa Copy delivered 11-21-66

LAW OFFICES WEBSTER, FREDERICK & JORDAN
FARMERS' & MERCHANTS' BANK BLDG.
WINTERSET, IOWA 50273

November 18, 1966

Madison County Livestock & Fair Association
Winterset, Iowa 50273

Re: Law No. 20029
Eyerly Property (Parcel 46A)

1966
June 3 Conference with appraisers Re: appeal.
June 4 Taking pictures.
June 20 Preparing appeal.
June 22 Letter to Iowa State Highway Commission Re: service of notice.
July 1 Examination of returns of service from Iowa State Highway Commission; telephone call to legal office of Iowa State Highway Commission at Ames; letter to legal department of Iowa State Highway Commission.
Aug. 30 Checking records and conferences with Frank Jorgenson & Pat Morrissey.
Aug. 31 Partial preparation of petition. Study of Madison County Zoning Ordinance as the same applied to the real estate being condemned.
Sept. 1 Additional preparation of petition; trip to courthouse and examination of county zoning maps.
Sept. 2 Filing Petition.
Oct. 3 Study of Defendant's Answer.
Oct. 5 Preparing motion to strike.
Oct. 6 Filing motion to strike.
Oct. 20 Preparing interrogatories and research.
Oct. 21 Filing interrogatories.
Oct. 27 Study of answers to interrogatories.
Oct. 27 Conference with attorneys Re: settlement.
Oct. 27 Appear in Court Re:assignment.
Oct. 29 Study of notice of calendar entry and restudy of Defendant's Answer as affected by said motion.
Oct. 31 Conference with Pat Morrissey; telephone calls to Clarence Johnson and Frank Jorgenson.
Nov. 1 Conference with Frank Jorgenson.
Nov. 1 Research.
Nov. 2 Research.
Nov. 3 Conference with Clarence Johnson.
Nov. 5 Conferences with Clarence Johnson and Frank Jorgenson; viewing premises with Frank Jorgenson; going over pictures and testimony with Frank Jorgenson.
Nov. 5 Research.
Nov. 6 Research and conference with witness: Herb Reed.
Nov. 6 Viewing premises with witness and preparing said witness for trial; arranging pictures in sequence.
Nov. 7 Preparation and appearance at Court for trial.

EXHIBIT "A"

IN THE DISTRICT COURT OF IOWA
IN AND FOR MADISON COUNTY

FILED
1966 NOV 23 AM 10:25
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

MADISON COUNTY LIVESTOCK AND FAIR ASSOCIATION, Plaintiff,
-vs-
IOWA STATE HIGHWAY COMMISSION, Defendant.

Law No. 20029

ORDER

BE IT REMEMBERED that on this 23rd day of November, 1966, this matter comes on before the Court on the Application of Lewis H. Jordan for the allowance of attorney fees herein, and the Court having examined said Application and the Stipulation filed herein, finds:

That the fees of the said Lewis H. Jordan, as attorney for the Plaintiff, should be fixed in the sum of $650.00, said fees to be paid by the Defendant, Iowa State Highway Commission.

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

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the fees of Lewis H. Jordan, as attorney for the Plaintiff herein, be and are hereby fixed in the sum of $650.00.

IT IS FURTHER ORDERED that said fee be paid by the Defendant, Iowa State Highway Commission.

James E. Hughes Judge
of the Fifth Judicial District of Iowa.

STATEMENT OF COSTS

STATE OF IOWA, Madison County SS.

IN THE DISTRICT COURT OF IOWA
IN AND FOR MADISON COUNTY

MADISON COUNTY LIVESTOCK AND FAIR ASSOCIATION, Plaintiff
vs.
IOWA STATE HIGHWAY COMMISSION, Defendant

Combination Docket 40 Page 137
Cause No. 20029

DATE month	day	year	For What	To Whom Due	Amount Due	By Whom Paid
7	6	66	Filing & Docketing	M. Morrissey, Clerk	3.00	W.F.&J.
7	6	66	Judicial Fund	Treasurer of State	1.00	W.F.&J.
7	6	66	Sheriff's Fees on O.N.	Rex Rouse, Sheriff	1.45	W.F.&J.
8	11	66	Copy Fees	Leonard M. Flander	4.00	
9	2	66	Copy Fees	Webster, Frederick & Jordan	5.00	
10	3	66	Copy Fees	Leonard M. Flander	3.00	
10	6	66	Copy Fees	Webster, Frederick & Jordan	1.00	
10	21	66	Copy Fees	Webster, Frederick & Jordan	4.00	
10	27	66	Copy Fees	Leonard M. Flander	2.00	
10	27	66	Order of Court	M. Morrissey, Clerk	1.00	
11	7	66	Order of Court	M. Morrissey, Clerk	1.00	
11	18	66	Copy Fees	Webster, Frederick & Jordan	4.00	
11	23	66	Dismissal Fee	M. Morrissey, Clerk	2.00	
11	23	66	Attorney Fees	Webster, Frederick & Jordan	650.00	
				Total	682.45	

I, Marguerite Morrissey, Clerk of said Court, do hereby certify that the foregoing is a full, true and complete statement of the costs of the above entitled cause, as the same appears of record in my office.

WITNESS my hand and seal of said Court hereto affixed, this 23 day of November, A.D. 1966.

- - - - - - - - - - - - Clerk of said Court.

IN THE DISTRICT COURT OF IOWA
IN AND FOR MADISON COUNTY

FILED
1966 DEC 14 PM 2:00
Marguerite Morrissey
Clerk of District Court
Madison County, Iowa

MADISON COUNTY LIVESTOCK & FAIR ASSOCIATION, Plaintiff,
-vs-
IOWA STATE HIGHWAY COMMISSION, Defendant.

No. 20029

DISMISSAL WITH PREJUDICE.

Comes now the Plaintiff herein and pursuant to the Stipulation filed herein on the 17th day of November, 1966, hereby dismisses its cause of action with prejudice, all costs to be taxed to the Defendant.

WEBSTER, FREDERICK & JORDAN
By Lewis H. Jordan
Lewis H. Jordan
Farmers & Merchants State Bank Bldg.
Winterset, Iowa 50273
Telephone 462-3731
ATTORNEYS FOR PLAINTIFF.

Original and two copies filed.

Copies to: L. Michael McGrane
Assistant Attorney General
Iowa State Highway Commission
Ames, Iowa

Leonard M. Flander
Winterset, Iowa

Copy Hereof Mailed to L. Michael McGrane & Copy deliver to Leonard M. Flander on 12-14-66.

Beverly Ham Deputy Clerk of Court
Madison County, Iowa

COMPARED