Deed Record, No. 93, Madison County, Iowa

MARSHALL PRINTING CO., MARSHALLTOWN, IOWA 52302

V. L. Kerns #2446
By Madison County Sheriff
To
Madison County, Iowa No Fee

Filed for record the 20 day of August A. D. 1964 at 3:50 o'clock P. M.

Mary E. Welty, Recorder

RECEIVED 7-11-64 11:00 A.M.
Madison County Sheriff
Winterset, Iowa

CONDEMNATION PROCEEDINGS

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

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

WHEREAS, the undersigned, Madison County, Iowa, a corporation, is desirous of taking and acquiring full and complete ownership of and holding certain real estate and relocating a public highway as the same now proceeds through the North Half (½) of the Northeast Quarter (¼) of Section Thirty (30), Township Seventy-four (74) North, Range Twenty-eight (28) West of the 5th P. M., Madison County, Iowa, and

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

WHEREAS, said Madison County, Iowa, is desirous of having said real estate condemned and appropriated to it for such purposes under its powers as provided by laws of the State of Iowa, for such purposes, to-wit: Chapter 471 and 472 of the 1962 Code of Iowa, and any and all other pertinent statutory provisions, and,

WHEREAS, it is necessary and proper and within the powers of Madison County, Iowa, that

MARSHALL PRINTING CO., MARSHALLTOWN, IOWA 52302

said real estate should be condemned and appropriated for such purposes, the same being public purposes, and

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

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

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

The Owners:	Place of Residence	Post Office Address
V. L. Kerns	Lorimor, Iowa	Lorimor, Iowa

Name of Mortgage or Lien Holder: None

Name of Lessee: Billie Burkhead

Name of Easement Holder: None

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

Dated this 11th day of July, 1964.

MADISON COUNTY, IOWA
By Lewis H. Jordan County Attorney
in and for Madison County, Iowa

EXHIBIT "A"

Description of real estate belonging to V. L. Kerns, the subject matter of this condemnation proceeding:

Beginning at a point 27.1 feet south of the NE corner of Section 30 T74N R28W of the 5th P.M.; thence west 49.91 feet; thence SO° 11.7'E 1286.0 feet; thence east 45.54 feet; thence north 1285.99 feet to the point of beginning and containing 0.43 acres, more or less, exclusive of the present established highway and moving approximately 78 rods of fence.
Note: the east line of the NE¼ Section 30 T74N R28W is assumed to bear due north.

PROPERTY PLAT

Acquired from V. L. KERNS Married or Single Married

R. O. W. Area 0.43 Acres Borrow Area - - Acres. Total Consideration $ - - -

Acquired by Condemnation Date of Conract - - , 19

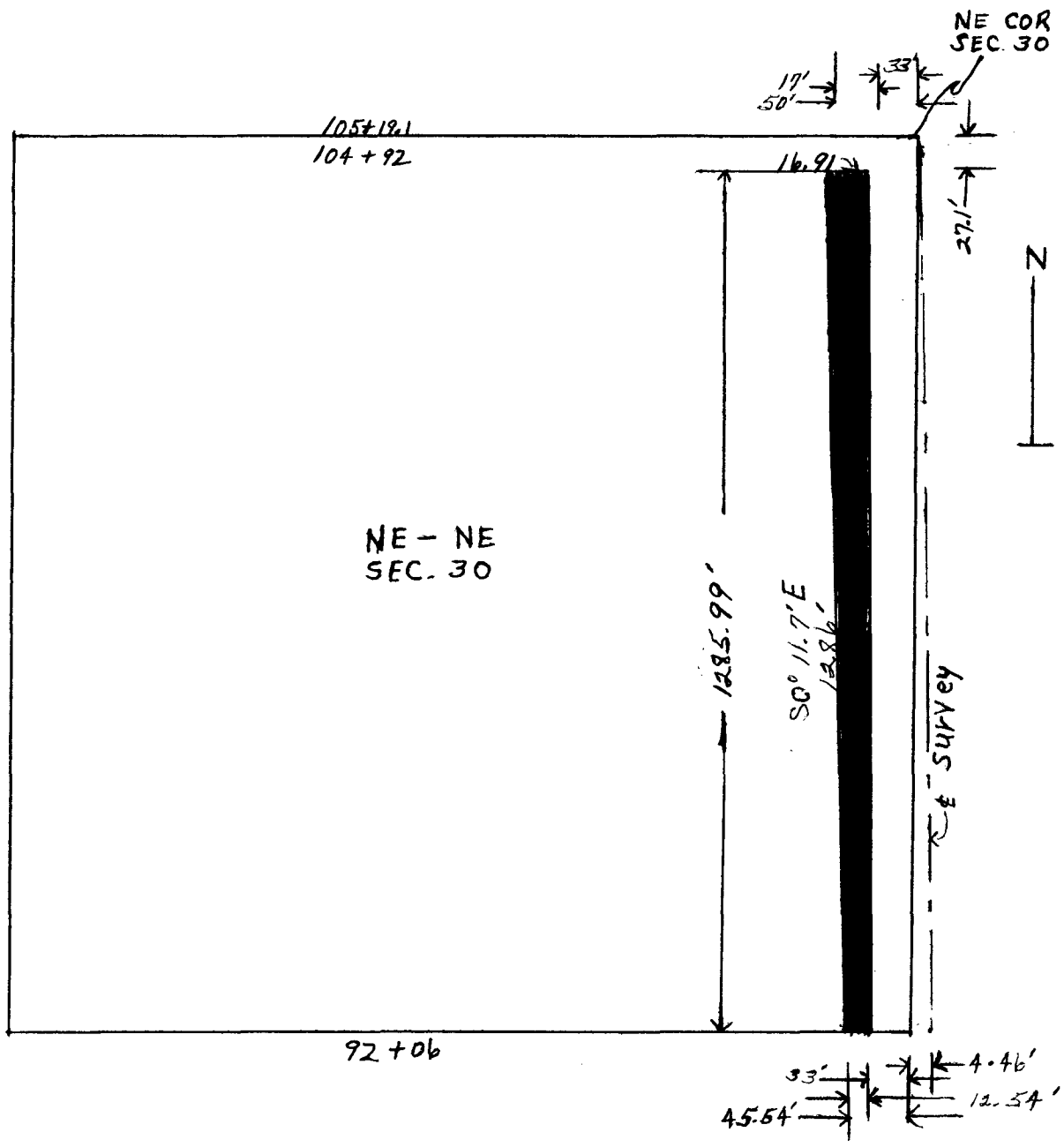
LOCATION

From CL Station 92+06 to CL Station 104+92 Section 30, Township 74N Range 28W

Township (Civil) Monroe Iowa.

Deed Record, No. 93, Madison County, Iowa

MARSHALL PRINTING CO., MARSHALLTOWN, IOWA 52302

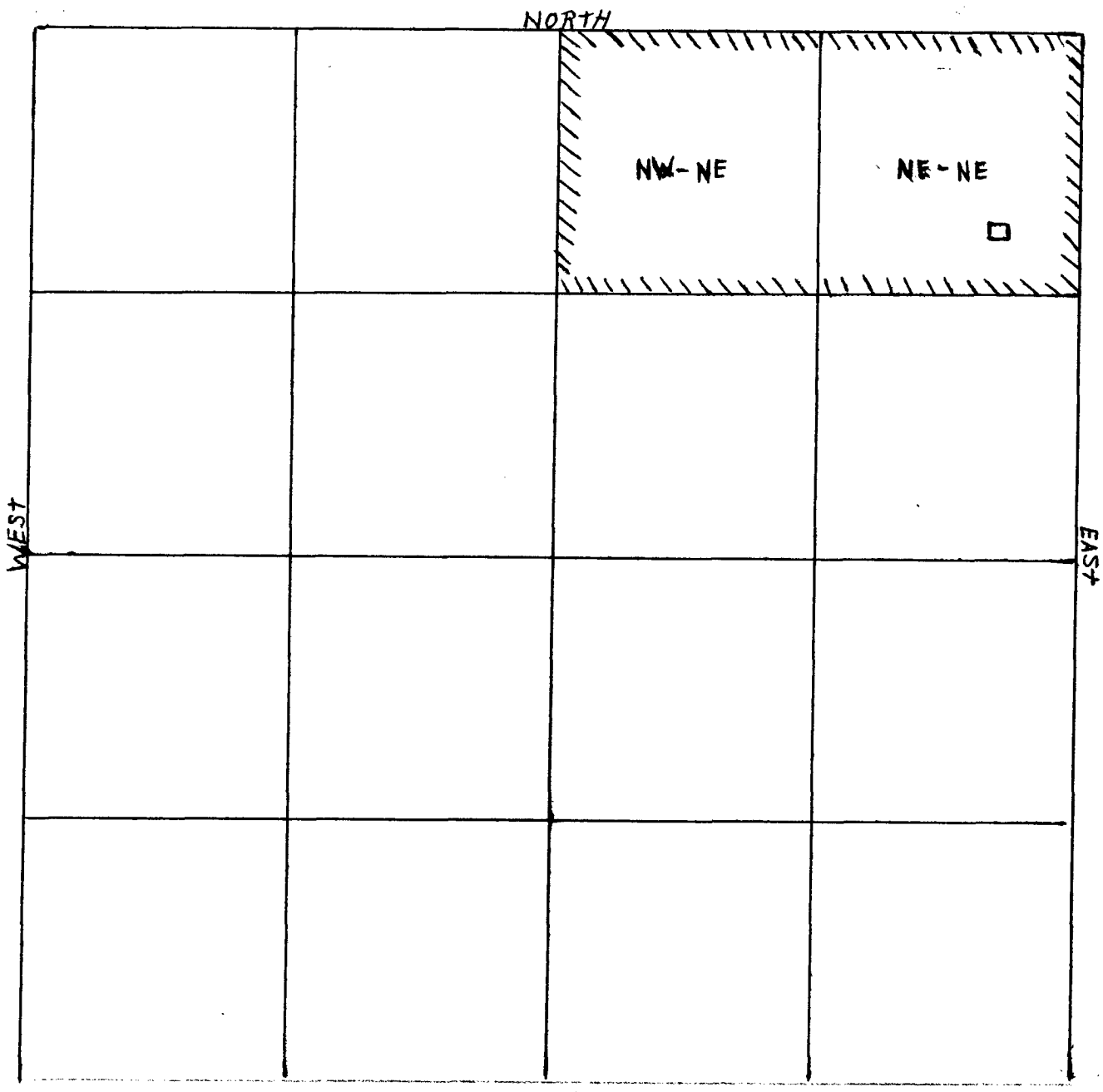


Madison County Project No. 3-64 Exhibit B

PLAT OF PROPERTY

Of V. L. KERNS Area 80 Acres Sta. 92 + 06 to Sta. 104 + 92

Section 30 T 74 N-R 28 W.



Madison County Project No. 3-64

Deed Record, No. 93, Madison County, Iowa

MARSHALL PRINTING CO., MARSHALLTOWN IOWA 52302

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

NOTICE OF CONDEMNATION OF PROPERTY BY MADISON COUNTY, IOWA

TO: V. L. Kerns and Billie Burkhead

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

Beginning at a point 27.1 feet south of the NE corner of Section 30 T74N R28W of the 5th P.M. ; thence west 49.91 feet; thence S0° 11.7'E 1286.0 feet; thence east 45.54 feet; thence north 1285.99 feet to the point of beginning and containing 0.43 acres, more or less, exclusive of the present established highway and moving approximately 78 rods of fence.

Note: the east line of the NE¼ Section 30 T74N R28W is assumed to bear due north.

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

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

YOU ARE FURTHER NOTIFIED that said Commissioners will on the 14th day of August, 1964, at 10:00 o'clock A.M., view said premises and proceed to appraise said damages, at which time you may appear before the Commissioners, if you care to do so.

MADISON COUNTY, APPLICANT
By Lewis H. Jordan County Attorney
in and for Madison County, Iowa

RETURN OF ORIGINAL NOTICE

STATE OF IOWA)
Madison County) ss.

The within notice received this 11th day of July, 1964, 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
Billie Burkhead	Aug.	4	1964	Monroe	Madison Iowa

Rex Rouse
Official Title
Sheriff, Madison County, Iowa

RETURN OF ORIGINAL NOTICE

STATE OF IOWA)
Madison County) ss.

The within notice came into my hands on the 11th day of July, 1964, and on the 4th day of August, 1964, I served the same on V. L. Kerns, by leaving a true copy thereof at the house of V. L. Kerns, situated in the Township of Monroe Madison County, Iowa, the same being the usual place of residence of said defendant, with Mrs. V. L. Kerns, a member of said defendant's family, with whom he resides, and over 14 years of age, the said defendant not being found within the County.

FEES
Service, $ 1.25
Pd RRR

Rex Rouse
Sheriff of Madison County

Deed Record, No. 93, Madison County, Iowa

MARSHALL PRINTING CO., MARSHALLTOWN, IOWA 52302

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

APPOINTMENT AND COMMISSION

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

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

Lowell Olson, Center twp., Fred Morford, Jr, Penn twp.

Merrill Creger, Ohio twp., Alfred Koch, Jefferson twp.

Roy Pond, Lee twp., Grant Martens, Madison twp.

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

Dated at Winterset, Madison County, Iowa, this 10th day of August, 1964.

Rex Rouse
Sheriff of Madison County, Iowa

EXHIBIT "A"

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

APPLICATION TO SHERIFF FOR CONDEMNATION OF PROPERTY

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

WHEREAS, the undersigned, Madison County, Iowa, a corporation, is desirous of taking and acquiring full and complete ownership of and holding certain real estate and relocating a public highway as the same now proceeds through the North Half (½) of the Northeast Quarter (¼) of Section Thirty (30), Township Seventy-four (74) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, and

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

WHEREAS, said Madison County, Iowa, is desirous of having said real estate condemned and appropriated to it for such purposes under its powers as provided by laws of the State of Iowa, for such purposes, to-wit; Chapter 471 and 472 of the 1962 Code of Iowa, and any and all other pertinent statutory provisions, and,

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

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

WHEREAS, there is attached to this Application a plat showing the location of property sought to be affected by condemnation under these proceedings and the location of

MARSHALL PRINTING CO., MARSHALLTOWN, IOWA 52302

improvements and relocation, which plat is marked Exhibit "B" and made a part of this Application, and

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

The Owners:	Place of Residence	Post Office Address
V. L. Kerns	Lorimor, Iowa	Lorimor, Iowa

Name of Mortgage or Lien Holder: None

Name of Lessee: Billie Burkhead

Name of Easement Holder: None

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

Dated this 11th day of July, 1964.

MADISON COUNTY, IOWA
BY Lewis H. Jordan
County Attorney in and for
Madison County, Iowa

EXHIBIT "A"

Description of real estate belonging to V. L. Kerns, the subject matter of this condemnation proceeding:

Beginning at a point 27.1 feet south of the NE corner of Section 30 T74N R28W of the 5th P.M.; thence west 49.91 feet; thence S0° 11.7'E 1286.0 feet; thence east 45.54 feet; thence north 1285.99 feet to the point of beginning and containing 0.43 acres, more or less, exclusive of the present established highway and moving approximately 78 rods of fence.

Note: the east line of the NE¼ Section 30 T74N R28W is assumed to bear due north.

PROPERTY PLAT

Acquired from V. L. Kerns Married or Single Married R. O. W. Area 0.43 Acres

Borrow Area - Acres Total Consideration $ - Acquired by CONDEMNATION

Date of Contract - 19 -.

LOCATION

From CL Station 92+06 to CL Station 104+ 92 Section 30, Township 74N, Range 28W

Township (Civil) Monroe

FOR COPY OF PLAT AS SHOWN ON FILED INSTRUMENT
SEE PLAT RECORDED IN DEED RECORD 93, PAGE 303.

MADISON COUNTY Project No. 3-64 EXHIBIT "B"

PLAT OF PROPERTY

OF V. L. KERNS Area 80 Acres Sta 92 + 06 to Sta 104 + 92

Section 30 T 74 N-R 28 W.

FOR COPY OF PLAT AS SHOWN ON FILED INSTRUMENT
SEE PLAT RECORDED IN DEED RECORD 93, PAGE 303.

Madison County Project No. 3-64

Deed Record, No. 93, Madison County, Iowa

MARSHALL PRINTING CO., MARSHALLTOWN, IOWA 52302

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

NOTICE TO APPRAISERS OF TIME FOR APPRAISEMENT

TO: Lowell Olson, Merrill Creger, Roy Pond, Fred Morford, Jr., Alfred Koch, and Grant Martens

YOU AND EACH OF YOU ARE HEREBY NOTIFIED that, having heretofore been appointed by me as appraisers to appraise the damage to certain real estate owned by V. L. Kerns and located in section 30, Township 74 North, of Range 28 West of the 5th P.M., Madison County, Iowa, taking and appropriating a part thereof for road purposes, which part said Madison County, Iowa, asked to have condemned in an application filed by said Madison County, Iowa, with the undersigned Sheriff on the 11th day of July, 1964, and that Notices of such condemnation have been served on all the parties named in said Application as being interested in said real estate as shown by the Returns of Service thereon on file in my office, and that the time stated in said Notice as the time when the Commissioners will view the premises and appriase the damages is the 14th day of August, 1964, at 10:00 o'clock A.M., and that you are now and hereby notified that you are required to proceed with the appraisement of damages in connection with the condemnation of said real estate at the time and date so stated.

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

Dated this 10th day of August, 1964.

Rex Rouse
Sheriff of Madison County, Iowa

ACCEPTANCES AND ACKNOWLEDGEMENTS OF SERVICE

We, the undersigned, having been appointed as Commissioners to appraise the damages to real estate in connection with the condemnation by Madison County, Iowa, do hereby acknowledge and accept due and legal service of the above and foregoing Notice this 10th day of August, 1964.

Merrill Creger
Lowell L. Olson
Fred Morford, Jr.

A. H. Koch
Roy L. Pond
Grant J. Martens

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

APPLICATION TO SHERIFF FOR CONDEMNATION OF PROPERTY

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

WHEREAS, the undersigned, Madison County, Iowa, a corporation, is desirous of taking and acquiring full and complete ownership of and holding certain real estate and relocating a public highway as the same now proceeds through the North Half (½) of the Northeast Quarter (¼) of Section Thirty (30), Township Seventy-four (74) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, and

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

WHEREAS, said Madison County, Iowa, is desirous of having said real estate condemned and appropriated to it for such purposes under its powers as provided by laws of the State of Iowa, for such purposes, to-wit: Chapter 471 and 472 of the 1962 Code of Iowa, and any and all other pertinent statutory provisions, and,

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

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being public purposes, and

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

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

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

The Owners:	Place of Residence	Post Office Address
V. L. Kerns	Lorimor, Iowa	Lorimor, Iowa

Name of Mortgage or Lien Holder: None

Name of Lessee: Billie Burkhead

Name of Easement Holder: None

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

Dated this 11th day of July, 1964.

MADISON COUNTY, IOWA
BY Lewis H. Jordan
County Attorney in and for
Madison County, Iowa

EXHIBIT "A"

Description of real estate belonging to V. L. Kerns, the subject matter of this condemnation proceeding:

Beginning at a point 27.1 feet south of the NE corner of section 30 T74N R28W of the 5th P.M.; thence west 49.91 feet; thence S0° 11.7'E 1286.0 feet; thence east 45.54 feet; thence north 1285.99 feet to the point of beginning and containing 0.43 acres, more or less, exclusive of the present established highway and moving approximately 78 rods of fence.

Note: the east line of the NE¼ Section 30 T74N R28W is assumed to bear due north.

PROPERTY PLAT

Acquired fron V. L. Kerns Married or Single Married R. O. W. Area 0.43 Acres

Borrow Area - Acres Total Consideration $ - Acquired by CONDEMNATION

Date of Contract - 19 - .

LOCATION

From CL Station 92+06 to CL Station 104+92 Section 30, Township 74N, Range 28W

Township (Civil) Monroe Iowa

FOR COPY OF PLAT AS SHOWN ON FILED INSTRUMENT
SEE PLAT RECORDED IN DEED RECORD 93, PAGE 303.

MADISON COUNTY Project No. 3-64 EXHIBIT "B"

Deed Record, No. 93, Madison County, Iowa

MARSHALL PRINTING CO., MARSHALLTOWN, IOWA 52302

PLAT OF PROPERTY

OF V. L. KERNS Area 80 Acres Sta 92 + 06 to Sta 104 + 92

Section 30 T 74 N-R 28W

FOR COPY OF PLAT AS SHOWN ON FILED INSTRUMENT
SEE PLAT RECORDED IN DEED RECORD 93, PAGE 303.

Madison County Project No. 3-64

OATH AND QUALIFICATION OF COMMISSIONERS

STATE OF IOWA)
ss
MADISON COUNTY)

We and each of us, being first duly sworn on oath depose and say that we are each one of the persons appointed by Rex Rouse, Sheriff of Madison County, Iowa, on the 10th day of August, 1964, as a Commissioner to assess damages to real estate, on account of Madison County, Iowa, asking to have certain real estate appraised, condemned and set over to it for road purposes, said real estate being located in Section 30 in Township 74 North, of Range 28 West of the 5th P.M., Madison County, Iowa, and being more particularly described in the order for Appointment of Commissioners to which this oath and qualification is attached; we, and each of us further state that we are resident freeholders of Madison County, Iowa; that we are not interested in the same or a like or similar question; that we will to the best of our ability faithfully and impartially assess said damages and make written report to the Sheriff, as provided by law.

Merrill Creger
Lowell L. Olson
Fred Morford, Jr.
A. H. Koch
Roy L. Pond
Grant J. Martens

Subscribed and sworn to before me this 14th day of August, 1964.

(DISTRICT COURT SEAL)

Marguerite Morrissey
Clerk of Court in and for Madison County Iowa

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

REPORT OF COMMISSIONERS

TO: REX ROUSE, SHERIFF OF MADISON COUNTY, IOWA

The undersigned Commissioners appointed by you by Order of Appointment dated the 10th day of August, 1964, to inspect the real estate hereinafter described and assess the damages which the owner and parties interested therein are sustaining by reason of the condemnation and appropriation thereof, for the use of Madison County, Iowa in connection with the improvement of certain roads in Madison County, Iowa, as stated in the Application for Condemnation of Property, filed with you the 11th day of July, 1964, do hereby make report that upon due notice we met upon said premises, viewed and inspected the same on the 14th day of August, 1964, at 10:00 o'clock A.M., and appraised and assessed the damages sustained by reason of said condemnation as follows by reason of the taking of the following described tract of real estate by Madison County, to-wit:

> Beginning at a point 27.1 feet south of the NE corner of Section 30 T74N R28W of the 5th P.M.; thence west 49.91 feet; thence S0° 11.7'E 1286.0 feet; thence east 45.54 feet; thence north 1285.99 feet to the point of beginning and containing 0.43 acres more or less, exclusive of the present established highway and moving approximately 78 rods of fence.
>
> Note: the east line of the NE¼ Section 30 T74N R28W is assumed to bear due north.

Madison County condemns only easement for road purposes and does not condemn right of access.

TO:: V. L. KERNS $ 425.00

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

NOTICES: Sheriff of Madison County, Iowa
Costs of mileage and attendance of Sheriff's office
Mileage $ -
Attendance and notices $ -

APPRAISER's FEES:

Fred Morford Jr.	$ -
Roy L. Pond	$ -
Grant J. Martens	$ -
Alfred Koch	$ -
Merrill S. Creger	$ -
Lowell L. Olson	$ -

All fees and awards compiled and charged on Robert Berry condemnation action.
Rex Rouse, Sheriff
Filed with Recorder 8-20-64 RRR

Aug 20 1964

Received of Rex Rouse Four Hundred Twenty-five & no/100 Dollars Madison Co. vs V. L. Kerns - for road improvement condemnation Aug. 14, 1964.

V. L. Kerns
Fern O. Kerns

Amount Paid $ 425.00 COMPARED