FIDLAR & CHAMBERS CO., DAVENPORT, IOWA 84101

Ida Cutshall, et al.,
by Madison County Sheriff
To
Madison County, Iowa

#2755

No Fee

Filed for record the 7 day of June A.D. 1960 at 4:15 o'clock P.M.

Mary E. Welty, Recorder

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 widening, improving, altering and relocating a public highway as the same now proceeds through Section 11, in Township 77 North of Range 27 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 the laws of the State of Iowa for such purpose, to-wit: Chapter 471 and 472 of the 1958 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 effected 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:

		Place of Residence	Post Office Address
The Owners:	Ida Cutshall	Van Meter, Iowa	Van Meter, Iowa
	Virginia Cutshall Crow	Clarinda, Iowa	Clarinda, Iowa
	Robert Cutshall	Van Meter, Iowa	Van Meter, Iowa
Mortgagee:	The Prudential Insurance Company of America	Newark, New Jersey	763 Broad Street Newark, New Jersey
Lessee:	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 any 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 9th day of May, 1960.

MADISON COUNTY, IOWA
By Emery L. Goodenberger
County Attorney in and for Madison County, Iowa

FIDLAR & CHAMBERS CO., DAVENPORT, IOWA 84101

EXHIBIT "A"

Description of real estate belonging to Ida Cutshall, Virginia Cutshall Crow, and Robert Cutshall, the subject matter of this condemnation proceeding:

Commencing at a point 33.0 feet West and 35.16 feet North of the S¼ corner Section 11, T77N R27W of the 5th P. M.; thence North 5176.0 feet; thence West 27.0 feet; thence South 1430.0 feet; thence East 10.0 feet; thence South 521.0 feet; thence South 19°42' West 100.5 feet; thence South 100.0 feet; thence South 2°52' East 200.25 feet; thence South 789.0 feet; thence East 25.0 feet; thence South 2036.0 feet; thence East 17.0 feet to the point of beginning and containing 3.06 acres, more or less, exclusive of the present established highway, and 392 rods of fence.

Also, commencing at a point 33.0 feet West and 33.49 feet North of the S¼ corner Section 2, T77N R27W of the 5th P. M.; thence North 1291.0 feet; thence West 7.0 feet; thence South 1291.0 feet; thence East 7.0 feet to the point of beginning and containing 0.21 acres, more or less, exclusive of the present established highway.

Also, a tract 60.0 feet wide for channel change, the centerline commencing at a point 50.0 feet West and 3414.0 feet North of the S¼ corner Section 11, T77N R27W of the 5th P. M.; thence North 60°0' West 54.0 feet to an intersection with the present stream and containing 0.07 acres, more or less.

The East line of the West ½ of Section 11 and the East line of the SW¼ Section 2 is assumed to bear due North and South.

PROPERTY PLAT

Acquired from Ida Cutshall, Virginia Cutshall Crow, and Robert Cutshall

Married or Single? - - R.O.W. Area 3.27 A R.O.W.-0.07 A Chan. Chg. Acres.

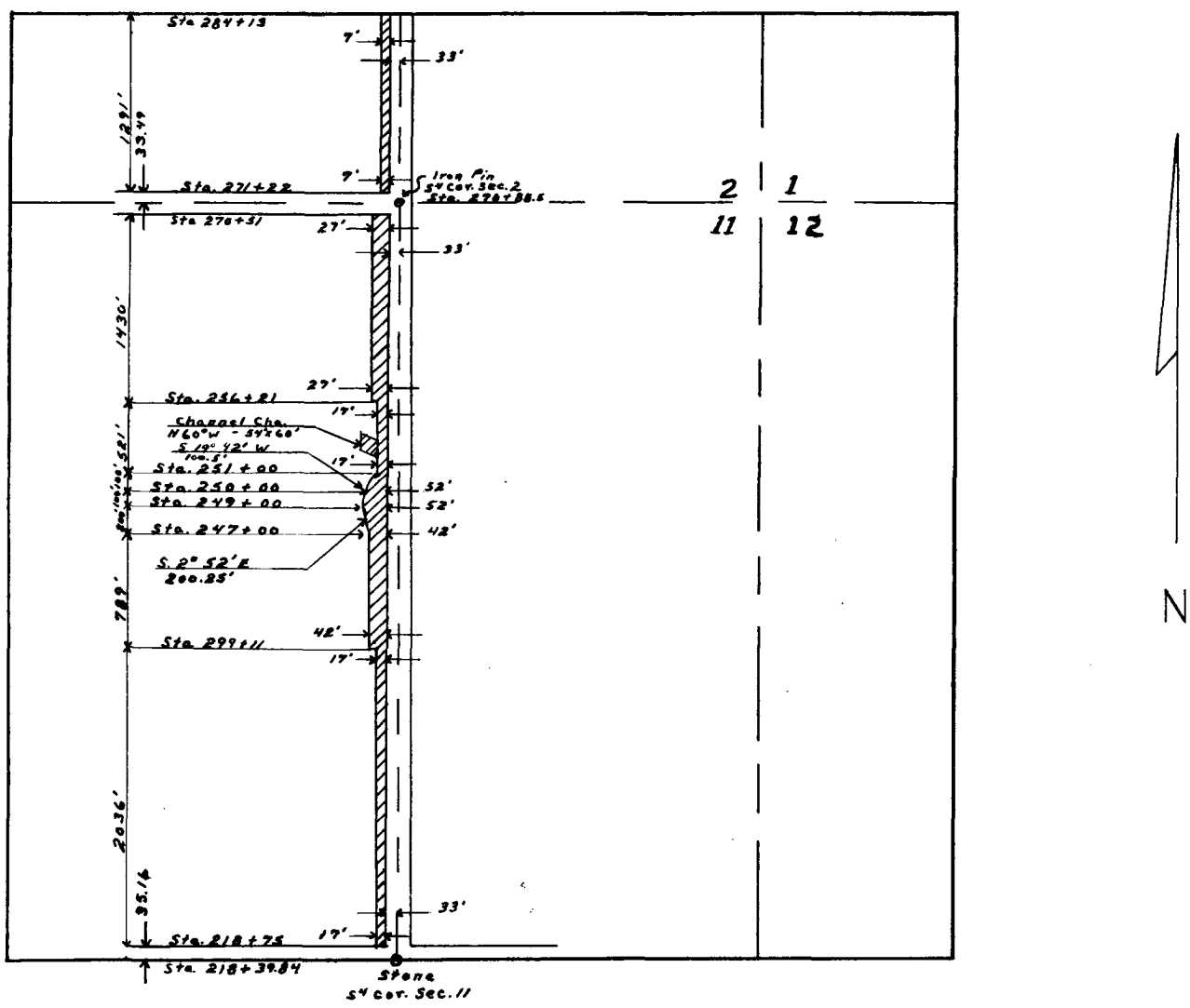
Borrow Area - - Acres. Total Consideration $ - -

Acquired by Condemnation Date of Contract - -, 19 - -

LOCATION

From CL Station 218+75 to CL Station 284+13 Section 11 & 2

Township 77 N Range 27 W Township (Civil) Jefferson Iowa.



Madison County Project No. SN-2832 Exhibit "B"

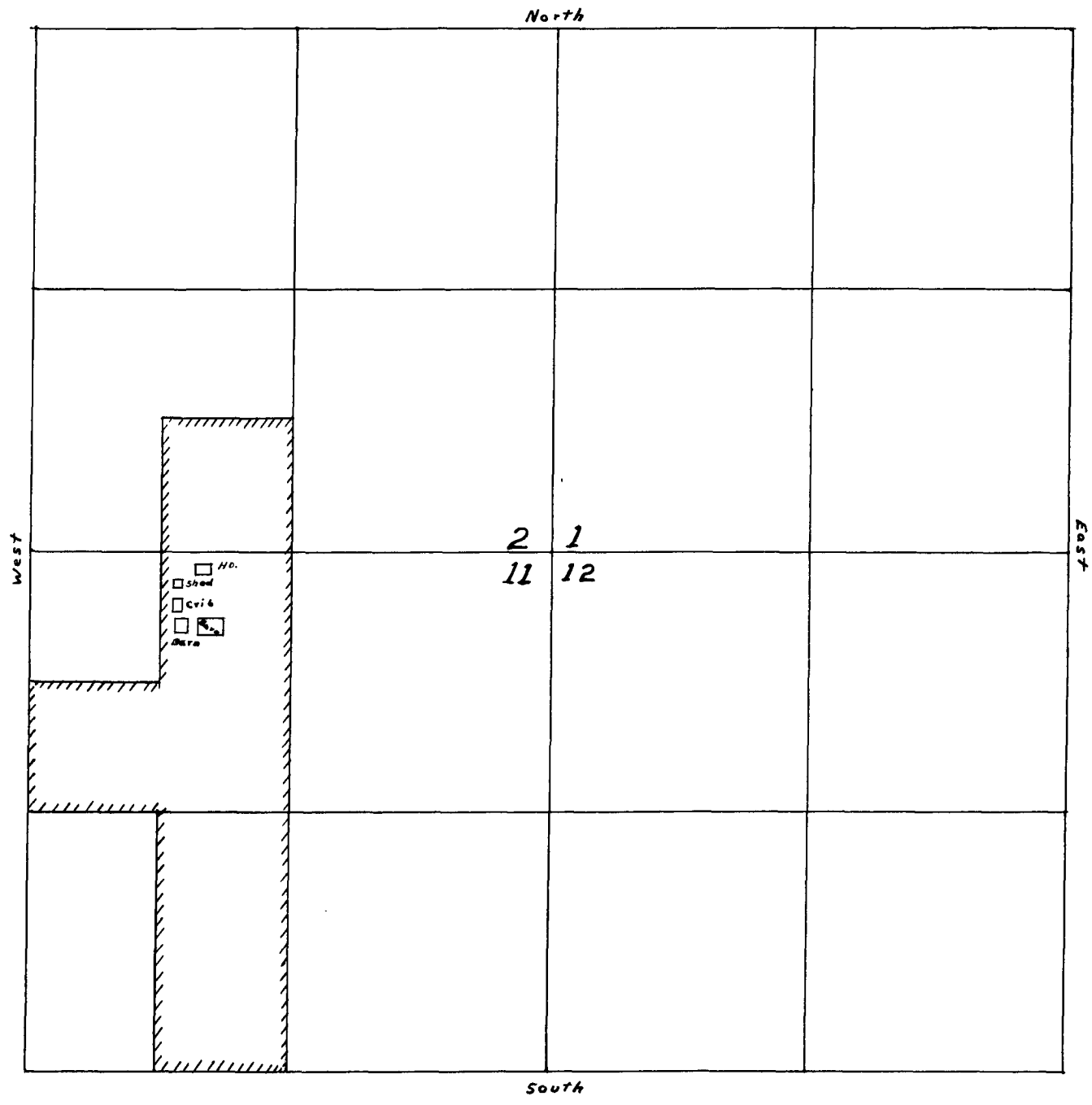
Deed Record, No. 91, Madison County, Iowa

FIDLAR & CHAMBERS CO., DAVENPORT, IOWA 84101

Plat of Property

Of Ida Cutshall, Virginia Cutshall Crow, & Robert Cutshall Area 240 Acres.

Sta. 218+75 to Sta. 284+13 Section 11 & 2 T 77 N-R 27 W.



Madison County Project No. SN-2832

COUNTY Madison INFORMATION FOR CONDEMNATION PROCEEDINGS Project SN-2832

OWNER OF RECORD

Ida Cutshall	Spouse Widow	Van Meter, Iowa
Virginia Cutshall Crow	Spouse Nelson E.	Clarinda, Iowa
Robert Cutshall	Spouse Judy Ann	Van Meter, Iowa
Occupant of the Land Robert Cutshall		Van Meter, Iowa Signed? - -
Occupant of the House Ida Cutshall		Van Meter, Iowa Signed? - -

NAMES AND ADDRESSES OF ALL LIENHOLDERS:

The Prudential Insurance Company of America Newark, New Jersey

Legal Description of parcel to be condemned.

Commencing at a point 33.0 feet West and 35.16 feet North of the S¼ corner Section 11, T77N R27W of the 5th P.M.; thence North 5176.0 feet; thence West 27.0 feet; thence South 1430.0 feet; thence East 10.0 feet; thence South 521.0 feet; thence South 19°42' West 100.5 feet; thence South 100.0 feet; thence South 2°52' East 200.25 feet; thence South 789.0 feet; thence East 25.0 feet; thence South 2036.0 feet; thence East 17.0 feet to the point of beginning and containing 3.06 acres, more or less, exclusive of the present established highway, and 392 rods of fence.

Also, commencing at a point 33.0 feet West and 33.49 feet North of the S¼ corner Section 2, T77N R27W of the 5th P.M.; thence North 1291.0 feet; thence West 7.0 feet; thence South 1291.0 feet; thence East 7.0 feet to the point of beginning and containing 0.21 acres, more or less, exclusive of the present established highway.

Also, a tract 60.0 feet wide for channel change, the centerline commencing at a point 50.0 feet West and 3414.0 feet North of the S¼ corner Section11, T77N R27W of the 5th P.M.; thence North 60°0' West 54.0 feet to an intersection with the present stream and containing 0.07 acres, more or less.

The East line of the West ½ of Section 11 and the East line of the SW¼ Section 2 is assumed to bear due North and South.

FIDLAR & CHAMBERS CO., DAVENPORT, IOWA 84101

RETURN OF ORIGINAL NOTICE

STATE OF IOWA, Page County, ss.
The within Notice came into my hands on the 12 day of May 1960 and I certify that I served the same on the defendants named below by delivering to her personally a true copy of the same at the time and place set opposite her name.

NAMES OF PERSONS		MONTH	DAY	YEAR	TOWNSHIP	COUNTY	STATE
Virginia Cutshall	Crow	5	12	1960	Nodaway	Page	Iowa

Stanley Edgar Sheriff
of Page County, Iowa

FEES	
Service	$ 75
Copies	$ -
Mileage	$ 09
Total	$ 84

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

NOTICE OF CONDEMNATION OF PROPERTY BY MADISON COUNTY, IOWA

TO: IDA CUTSHALL, VIRGINIA CUTSHALL CROW, ROBERT CUTSHALL AND THE PRUDENTIAL INSURANCE COMPANY OF AMERICA:

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:

Commencing at a point 33.0 feet West and 35.16 feet North of the S¼ corner Section 11, T77N R27W of the 5th P. M.; thence North 5176.0 feet; thence West 27.0 feet; thence South 1430.0 feet; thence East 10.0 feet; thence South 521.0 feet; thence South 19 °42 West 100.5 feet; thence South 2°52' East 200.25 feet; thence South 789.0 feet; thence East 25.0 feet; thence South 2036.0 feet; thence East 17.0 feet to the point of beginning and containing 3.06 acres, more or less, exclusive of the present established highway, and 392 rods of fence.

Also, commencing at a point 33.0 feet West and 33.49 feet North of the S¼ corner Section 2, T77N R27W of the 5th P. M.; thence North 1291.0 feet; thence West 7.0 feet; thence South 1291.0 feet; thence East 7.0 feet to the point of beginning and containing 0.21 acres, more or less, exclusive of the present established highway.

Also, a tract 60.0 feet wide for channel change, the centerline commencing at a point 50.0 feet West and 3414.0 feet North of the S¼ corner Section 11, T77N R27W of the 5th P. M.; thence North 60°0' West 54.0 feet to an intersection with the present stream and containing 0.07 acres, more or less.

The East line of the West ½ of Section 11 and the East line of the SW¼ Section 2 is assumed to bear due North and South

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 N OTIFIED 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 Commissioner will, on the 23rd day of May, 1960, at ten 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 Emery L. Goodenberger
County Attorney in and for Madison
County, Iowa

RETURN OF ORIGINAL NOTICE

STATE OF IOWA, Madison COUNTY, IOWA, ss.

FIDLAR & CHAMBERS CO., DAVENPORT, IOWA 84101

The within notice received this 9th day of May 1960, and I hereby certify that I served the same on the defendants named below by delivering a copy thereof to each of the said defendants personally at the time and place set opposite their respective names:

Name of Defendant	Month	Day	Year	City, Town or Township	County	State
Ida Cutshall	5	10	60	Jefferson Twp.	Madison	Iowa
Robert Cutshall	5	10	60	Jefferson Twp.	Madison	Iowa

Rex Rouse, Sheriff
L. E. Hooper
Official Title
by L. E. Hooper, Deputy

FEES
Service $1.25
Copies $ - -
Mileage $ - -
Total $1.25

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 sutained by those having interest in certain real estate for the purpose of improving and relocating a part of the public highway system of Madison County, Iowa, which is more particularly described in said application, a copy of which application is attached to this order, marked Exhibit "A" and by this reference made a part hereof.

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

Merrill Creger — Wes Eivins — Wm. R. Kent
Orval Satterlee — Gale Emerson — Claude N. Shearer

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 23rd day of May, 1960.

Rex Rouse
Sheriff of Madison County, Iowa

OATH AND QUALIFICATION OF COMMISSIONERS

STATE OF IOWA)
) ss.
MADISON COUNTY)

We, and each of us, being first duly sworn on oath depose and state that we are each one of the persons appointed by Rex Rouse, Sheriff of Madison County, Iowa, on the 23rd day of May, 1960, 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 purpose, said real estate being located in Section 11, in Township 77 North, of Range 27 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 he is a resident freeholder of Madison County, Iowa; that he is not interested in the same or a like or similar question; that he will do the best of his ability faithfully and impartially assess said damages and make written report to the Sheriff, as provided by law.

W. J. Eivins — Orval E. Satterlee
Claude N. Shearer — Wm. R. Kent
M. S. Creger — Gale Emerson

Subscribed and sworn to before me by all and each of the foregoing named individuals, in my presence this 23rd day of May, 1960.

Marguerite Morrissey
Clerk of District Court in
and for MadisonCounty, Iowa.

(DISTRICT COURT SEAL)

FIDLAR & CHAMBERS CO., DAVENPORT, IOWA 84101

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 widening, improving, altering and relocating a public highway as the same now proceeds through Section 11, in Township 77 North of Range 27 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 the laws of the State of Iowa for such purposes, to-wit: Chapter 471 and 472 of the 1958 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 effected 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:

		Place of Residence	Post Office Address
The Owner:	Ida Cutshall	Van Meter, Iowa	Van Meter, Iowa
	Virginia Cutshall Crow	Clarinda, Iowa	Clarinda, Iowa
	Robert Cutshall	Van Meter, Iowa	Van Meter, Iowa
Mortgagee:	The Prudential Insurance Company of America	Newark, New Jersey	763 Broad Street Newark, New Jersey
Lessee:	None		

Exhibit "A"

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 any 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 9th day of May, 1960.

MADISON COUNTY, IOWA
By Emery L. Goodenberger
County Attorney in and for Madison County, Iowa

EXHIBIT "A"

Description of real estate belonging to Ida Cutshall, Virginia Cutshall Crow, and Robert Cutshall, the subject matter of this condemnation proceeding:

FIDLAR & CHAMBERS CO., DAVENPORT, IOWA 84101

Commencing at a point 33.0 feet West and 35.16 feet North of the S¼ corner Section 11, T77N R27W of the 5th P. M.; thence North 5176.0 feet; thence West 27.0 feet; thence South 1430.0 feet; thence East 10.0 feet; thence South 521.0 feet; thence South 19°42' West 100.5 feet; thence South 100.0 feet; thence South 2°52' East 200.25 feet; thence South 789.0 feet; thence East 25.0 feet; thence South 2036.0 feet; thence East 17.0 feet to the point of beginning and containing 3.06 acres, more or less, exclusive of the present established highway, and 392 rods of fence.

Also, commencing at a point 33.0 feet West and 33.49 feet North of the S¼ corner Section 2, T77N R27W of the 5th P. M.; thence North 1291.0 feet; thence West 7.0 feet; thence South 1291.0 feet; thence East 7.0 feet to the point of beginning and containing 0.21 acres, more or less, exclusive of the present established highway.

Also, a tract 60.0 feet wide for channel change, the centerline commencing at a point 50.0 feet West and 3414.0 feet North of the S¼ corner Section 11, T77N R27W of the 5th P. M.; thence North 60°0' West 54.0 feet to an intersection with the present stream and containing 0.07 acres, more or less.

The East line of the West ½ of Section 11 and the East line of the SW¼ Section 2 is assumed to bear due North and South.

PROPERTY PLAT

Acquired from Ida Cutshall, Virginia Cutshall Crow, and Robert Cutshall

Married or Single? - - R.O.W. Area 3.27 A R.O.W.-0.07 A Chan. Chg. Acres.

Borrow Area - - Acres. Total Consideration $ - -

Acquired by Condemnation Date of Contract - - 19 --

LOCATION

From CL Station 218+75 to CL Station 284+13 Section 11 & 2

Township 77 N Range 27 W Township (Civil) Jefferson Iowa.

FOR COPY OF PLAT AS SHOWN ON FILED INSTRUMENT
SEE PLAT RECORDED IN DEED RECORD 91, PAGE 107

Madison County Project No. SN-2832 Exhibit "B"

Plat of Property
Of Ida Cutshall, Virginia Cutshall Crow, & Robert Cutshall Area 240 Acres.

Sta. 218+75 to Sta. 284+13 Section 11 & 2 T 77 N-R 27 W.

FOR COPY OF PLAT AS SHOWN ON FILED INSTRUMENT
SEE PLAT RECORDED IN DEED RECORD 91, PAGE 108

COUNTY Madison INFORMATION FOR CONDEMNATION PROCEEDINGS Project SN-2832

OWNER OF RECORD

Ida Cutshall	Spouse	Widow	Van Meter, Iowa
Virginia Cutshall Crow	Spouse	Nelson E.	Clarinda, Iowa
Robert Cutshall	Spouse	Judy Ann	Van Meter, Iowa

Occupant of the Land Robert Cutshall Van Meter, Iowa Signed? - -

Occupant of the House Ida Cutshall Van Meter, Iowa Signed? - -

NAMES AND ADDRESSES OF ALL LIENHOLDERS:

The Prudential Insurance Company of America Newark, New Jersey

Legal Description of parcel to be condemned.

Commencing at a point 33.0 feet West and 35.16 feet North of the S¼ corner Section 11, T77N R27W of the 5th P.M.; thence North 5176.0 feet; thence West 27.0 feet; thence South 1430.0 feet; thence East 10.0 feet; thence South 521.0 feet; thence South 19°42' West 100.5 feet; thence South 100.0 feet; thence South 2°52' East 200.25 feet; thence South 789.0 feet; thence East 25.0 feet; thence South 2036.0 feet; thence East 17.0 feet to the point of beginning and containing 3.06 acres, more or less, exclusive of the present established highway, and 392 rods of fence.

Also, commencing at a point 33.0 feet West and 33.49 feet North of the S¼ corner Section 2, T77N R27W of the 5th P.M.; thence North 1291.0 feet; thence West 7.0 feet; thence South 1291.0 feet; thence East 7.0 feet to the point of beginning and containing 0.21 acres, more or less, exclusive of the present established highway.

Also, a tract 60.0 feet wide for channel change, the centerline commencing at a point 50.0 feet West and 3414.0 feet North of the S¼ corner Section 11, T77N R27W of the 5th P.M.; thence North 60°0' West 54.0 feet to an intersection with the present stream and containing 0.07 acres, more or less.

FIDLAR & CHAMBERS CO., DAVENPORT, IOWA 84101

The East line of the West ½ of Section 11 and the East line of the SW¼ Section 2 is assumed to bear due North and South.

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: Merrill Creger, Orval Satterlee, Wes Eivins, Gale Emerson, Wm. R. Kent, Claude N. Shearer

YOU AND EACH OF YOU ARE HEREBY NOTIFIED that having heretofore been appointed by me as appraisers to appraise the damages to certain real estate owned by Ida Cutshall, Virginia Cutshall Crow, and Robert Cutshall and located in Section 11, in Township 77 North, of Range 27, West of the 5th P. M., Madison County, Iowa, on account of 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, with the undersigned Sheriff on the 9th day of May, 1960, 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 appraise the damages is the 23rd day of May, 1960, at ten 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 effected 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 thereof.

Dated this 23rd day of May, 1960.

Rex Rouse
Sheriff of Madison County, Iowa

ACCEPTANCES AND ACKNOWLEDGEMENTS OF SERVICE

We, the undersigned, having been appointed as Commissioners to appraise the damages to real estate in connection with the Condemnation by Madison County, Iowa, do hereby acknowledge and accept due and legal service of the above and foregoing Notice this - - day of May 1960.

W. J. Eivins
Claude N. Shearer
M. S. Creger
Orval E. Satterlee
Wm. R. Kent
Gale Emerson

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 widening, improving, altering and relocating a public highway as the same now proceeds through Section 11, in Township 77 North of Range 27 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 the laws of the State of Iowa for such purpose, to-wit: Chapter 471 and 472 of the 1958 Code of Iowa,

FIDLAR & CHAMBERS CO., DAVENPORT, IOWA 84101

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 effected 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:

		Place of Residence	Post Office Address
The Owners:	Ida Cutshall	Van Meter, Iowa	Van Meter, Iowa
	Virginia Cutshall Crow	Clarinda, Iowa	Clarinda, Iowa
	Robert Cutshall	Van Meter, Iowa	Van Meter, Iowa
Mortgagee:	The Prudential Insurance Company of America	Newark, New Jersey	763 Broad Street Newark, New Jersey
Lessee:	None		

Exhibit "A"

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 any 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 9th day of May, 1960.

MADISON COUNTY, IOWA
By Emery L. Goodenberger
County Attorney in and for Madison
County, Iowa

EXHIBIT "A"

Description of real estate belonging to Ida Cutshall, Virginia Cutshall Crow, and Robert Cutshall, the subject matter of this condemnation proceeding:

Commencing at a point 33.0 feet West and 35.16 feet North of the S¼ corner Section 11, T77N R27W of the 5th P. M.; thence North 5176.0 feet; thence West 27.0 feet; thence South 1430.0 feet; thence East 10.0 feet; thence South 521.0 feet; thence South 19°42' West 100.5 feet; thence South 100.0 feet; thence South 2°52' East 200.25 feet; thence South 789.0 feet; thence East 25.0 feet; thence South 2036.0 feet; thence East 17.0 feet to the point of beginning and containing 3.06 acres, more or less, exclusive of the present established highway, and 392 rods of fence.

Also, commencing at a point 33.0 feet West and 33.49 feet North of the S¼ corner Section 2, T77N R27W of the 5th P. M.; thence North 1291.0 feet; thence West 7.0 feet; thence South 1291.0 feet; thence East 7.0 feet to the point of beginning and containing 0.21 acres, more or less, exclusive of the present established highway.

Also, a tract 60.0 feet wide for channel change, the centerline commencing at a point 50.0 feet West and 3414.0 feet North of the S¼ corner Section 11, T77N R27W of the 5th P. M.; thence North 60°0' West 54.0 feet to an intersection with the present stream and containing 0.07 acres, more or less.

The East line of the West ½ of Section 11 and the

FIDLAR & CHAMBERS CO., DAVENPORT, IOWA 84101

East line of the SW¼ Section 2 is assumed to bear due North and South.

PROPERTY PLAT

Acquired from Ida Cutshall, Virginia Cutshall Crow, and Robert Cutshall

Married or Single? - - R.O.W. Area 3.27 A R.O.W.-0.07 A Chan. Chg. Acres.

Borrow Area - - Acres. Total Consideration $ - -

Acquired by Condemnation Date of Contract - - 19 --

LOCATION

From CL Station 218+75 to CL Station 284+13 Section 11 & 2

Township 77 N Range 27 W Township (Civil) Jefferson Iowa.

FOR COPY OF PLAT AS SHOWN ON FILED INSTRUMENT
SEE PLAT RECORDED IN DEED RECORD 91, PAGE 107

Madison County Project No. SN -2832 Exhibit "B"

Plat of Property

Of Ida Cutshall, Virginia Cutshall Crow, & Robert Cutshall Area 240 Acres.

Sta. 218+75 to Sta. 284+13 Section 11 & 2 T 77 N-R 27 W.

FOR COPY OF PLAT AS SHOWN ON FILED INSTRUMENT
SEE PLAT RECORDED IN DEED RECORD 91, PAGE 108

Madison County Project No. SN-2832

COUNTY Madison INFORMATION FOR CONDEMNATION PROCEEDINGS Project SN-2832

OWNER OF RECORD

Ida Cutshall	Spouse	Widow	Van Meter, Iowa
Virginia Cutshall Crow	Spouse	Nelson E.	Clarinda, Iowa
Robert Cutshall	Spouse	Judy Ann	Van Meter, Iowa

Occupant of the Land Robert Cutshall Van Meter, Iowa Signed? - -

Occupant of the House Ida Cutshall Van Meter, Iowa Signed? - -

NAMES AND ADDRESSES OF ALL LIENHOLDERS:

The Prudential Insurance Company of America Newark, New Jersey

Legal Description of parcel to be condemned.

Commencing at a point 33.0 feet West and 35.16 feet North of the S¼ corner Section 11, T77N R27W of the 5th P.M.; thence North 5176.0 feet; thence West 27.0 feet; thence South 1430.0 feet; thence East 10.0 feet; thence South 521.0 feet; thence South 19°42' West 100.5 feet; thence South 100.0 feet; thence South 2°52' East 200.25 feet; thence South 789.0 feet; thence East 25.0 feet; thence South 2036.0 feet; thence East 17.0 feet to the point of beginning and containing 3.06 acres, more or less, exclusive of the present established highway, and 392 rods of fence.

Also, commencing at a point 33.0 feet West and 33.49 feet North of the S¼ corner Section 2, T77N R27W of the 5th P.M.; thence North 1291.0 feet; thence West 7.0 feet; thence South 1291.0 feet; thence East 7.0 feet to the point of beginning and containing 0.21 acres, more or less, exclusive of the present established highway.

Also, a tract 60.0 feet wide for channel change, the centerline commencing at a point 50.0 feet West and 3414.0 feet North of the S¼ corner Section 11, T77N R27W of the 5th P.M.; thence North 60°0' West 54.0 feet to an intersection with the present stream and containing 0.07 acres, more or less.

The East line of the West ½ of Section 11 and the East line of the SW¼ Section 2 is assumed to bear due North and South.

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

TO: IDA CUTSHALL, VIRGINIA CUTSHALL CROW, ROBERT CUTSHALL AND THE PRUDENTIAL INSURANCE COMPANY OF AMERICA:

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:

Commencing at a point 33.0 feet West and 35.16 feet North of the S¼ corner Section 11, T77N R27W of the 5th P. M.; thence North 5176.0 feet; thence West 27.0 feet; thence South 1430.0 feet;

FIDLAR & CHAMBERS CO., DAVENPORT, IOWA 84101

thence East 10.0 feet; thence South 521.0 feet; thence South 19°42 West 100.5 feet; thence South 2°52' East 200.25 feet; thence South 789.0 feet; thence East 25.0 feet; thence South 2036.0 feet; thence East 17.0 feet to the point of beginning and containing 3.06 acres, more or less, exclusive of the present established highway, and 392 rods of fence.

Also, commencing at a point 33.0 feet West and 33.49 feet North of the S ¼ corner Section 2, T77N R27W of the 5th P. M.; thence North 1291.0 feet; thence West 7.0 feet; thence South 1291.0 feet; thence East 7.0 feet to the point of beginning and containing 0.21 acres, more or less, exclusive of the present established highway.

Also, a tract 60.0 feet wide for channel change, the centerline commencing at a point 50.0 feet West and 3414.0 feet North of the S¼ corner Section 11, T77N R27W of the 5th P. M.; thence North 60°0' West 54.0 feet to an intersection with the present stream and containing 0.07 acres, more or less.

The East line of the West ½ of Section 11 and the East line of the SW¼ Section 2 is assumed to bear due North and South

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 Commissioner will, on the 23rd day of May, 1960, at ten 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 Emery L. Goodenberger
County Attorney in and for Madison County, Iowa

ACCEPTANCE OF SERVICE

The undersigned hereby accepts service of the attached Notice of Condemnation of Property by Madison County, Iowa, acknowledges receipt of a copy of said Notice and hereby enters its appearance thereto and consents to said condemnation without further notice to it.

Dated at Omaha, Nebr. this 19th day of May, 1960.

Ok
Hj

THE PRUDENTIAL INSURANCE COMPANY OF AMERICA
By H. H. James
H. H. James, Regional Manager

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 23rd day of May, 1960, 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 6th day of May, 1960, do hereby make report that upon due notice we met upon said premises, viewed and inspected the same on the 23rd day of May, 1960, at ten o'clock A. M. and appraised and assessed the damages sustained by reason of said condemnation as follows by reason of the taking of the following described tract of real estate by Madison County, Iowa, to-wit:

FIDLAR & CHAMBERS CO., DAVENPORT, IOWA 84101

Commencing at a point 33.0 feet West and 35.16 feet North of the S¼ corner Section 11, T77N R27W of the 5th P. M.; thence North 5176.0 feet; thence West 27.0 feet; thence South 1430.0 feet; thence East 10.0 feet; thence South 521.0 feet; thence South 19°42' West 100.5 feet; thence South 100.0 feet; thence South 2°52' East 200.25 feet; thence South 789.0 feet; thence East 25.0 feet; thence South 2036.0 feet; thence East 17.0 feet to the point of beginning and containing 3.06 acres, more or less, exclusive of the present established highway, and 392 rods of fence.

Also, commencing at a point 33.0 feet West and 33.49 feet North of the S¼ corner Section 2, T77N R27W of the 5th P. M.; thence North 1291.0 feet; thence West 7.0 feet; thence South 1291.0 feet; thence East 7.0 feet to the point of beginning and containing 0.21 acres, more or less, exclusive of the present established highway.

Also, a tract 60.0 feet wide for channel change, the centerline commencing at a point 50.0 feet West and 3414.0 feet North of the S¼ corner Section 11, T77N R27W of the 5th P. M.; thence North 60°0' West 54.0 feet to an intersection with the present stream and containing 0.07 acres, more or less.

The East line of the West ½ of Section 11 and the East line of the SW¼ Section 2 is assumed to bear due North and South.

To: Ida Cutshall, Virginia Cutshall Crow, Robert Cutshall and The Prudential Insurance Company of America $1468.74

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 $ - -

APPRAISER'S FEES:

Gale Emerson	$ - -	W. J. Eivins	$ - -
M. S. Creger	$ - -	Claude N. Shearer	$ - -
Orval E. Satterlee	$ - -	Wm. R. Kent	$ - -

All costs charged on Charles L. Clark, et al, condemnation of same date.

SHERIFF'S CERTIFICATION OF COSTS

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

	FEE	MILEAGE	TOTAL
1. Serving Original Notices	6.25	7.74	$13.99
2. Sheriff Serving Notice of Appointment of Commissioners	3.25	5.22	8.47
3. Sheriff Attending Commissioners	7.50	3.15	10.65
			$33.11

4. Commissioner's Expenses:

W. J. Eivins, Center Twp. 1 day service and mileage	15.14	Claude N. Shearer, Walnut Twp. 1 day service and mileage	16.68
Orval E. Satterlee, Center Twp. 1 day service and mileage (used his car on viewing)	17.59		
Wm. R. Kent, Center Twp. 1 day service and mileage	15.14	Gale Emerson, Center Twp. 1 day service and mileage	15.14
Merrill Creger, Ohio Twp. 1 day service and mileage	17.31	Commissioners Meals	5.81
		TOTAL JURY COSTS	102.81

5. Damages awared

Charles L. Clark, Betty J. Clark and B. H. Clayton	355.43
Merrett Baur and R. E. Baur	1366.52
Ida Cutshall, Virginia Cutshall Crow, Robert Cutshall and The Prudential Ins. Co. of America	1468.74
R. Edward Baur	305.82
Ryman J. Smith, R. Edward Baur and Merrett Baur	601.38
TOTAL DAMAGES AWARED	$4097.89

RECAPITULATION

TOTAL DAMAGES AWARDED	$4097.89
TOTAL SHERIFF'S COSTS	33.11
TOTAL COMMISSIONER'S EXPENSES	102.81
	$4233.81

Certified a true statement of Charles L. Clark, Betty J. Clark, B. H. Clayton; Merrett Baur and R. E. Baur; Ida Cutshall, Virginia Cutshall Crow, Robert Cutshall and The Prudential Insurance Company of America; R. Edward Baur; Ryman J. Smith, R. Edward Baur and Merrett Baur condemnation expenses and original copies of proceedings therewith.

Rex Rouse
Rex Rouse, Sheriff
Madison County, Iowa

June 2, 1960 Robert Cutshall picked up condemnation check for $1,468.74.
Wanda L. Bane Robert W. Cutshall

COMPARED