Deed Record, No. 91, Madison County, Iowa

FIDLAR & CHAMBERS CO., DAVENPORT, IOWA 84101

C. F Ruth, et al.,
by Madison County Sheriff
To
Madison County, Iowa

#3557

No Fee

Filed for record the 3 day of Sept. A.D. 1960 at 11:45 o'clock A. 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

RECEIVED JUL 19 PM 3:56
MADISON COUNTY SHERIFF
WINTERSET, IOWA

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 27, in Township 75 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:

The Owners	Place of Residence	Post Office Address
C. F. Ruth	Peru, Iowa	Peru, Iowa
T. F. Ruth	Winterset, Iowa	Winterset, Iowa

Mortgagee: None
Lessee: None
Owners Spouse: Lenore Ruth (wife of C. F. Ruth)
Venecia G (wife of T. F. Ruth)

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 which will be 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 19th day of July, 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 C. F. Ruth and T. F. Ruth, and being the subject matter of this condemnation proceeding.

Commencing at the S¼ corner Section 27 T75N R27W, thence North 16.5 feet to the point of beginning, thence West 0°00' 2597.2 feet, thence North 16.5 feet, thence East 2165.2 feet, thence North 71°14' East 52.8 feet, thence East 75.0 feet, thence South 17.0 feet, thence East 307.0 feet, thence South 16.5 feet to the point of beginning, containing 1.02 acres, more or less, exclusive of the present roadway, and moving approximately 157 rods of fencing.

Note: The South line of the SW¼ of said Section 27 is assumed to bear due East and West.

PROPERTY PLAT

Acquired from C. F. & T. F. Ruth Married or Single? Married Lenore Ruth (Give full name of spouse)

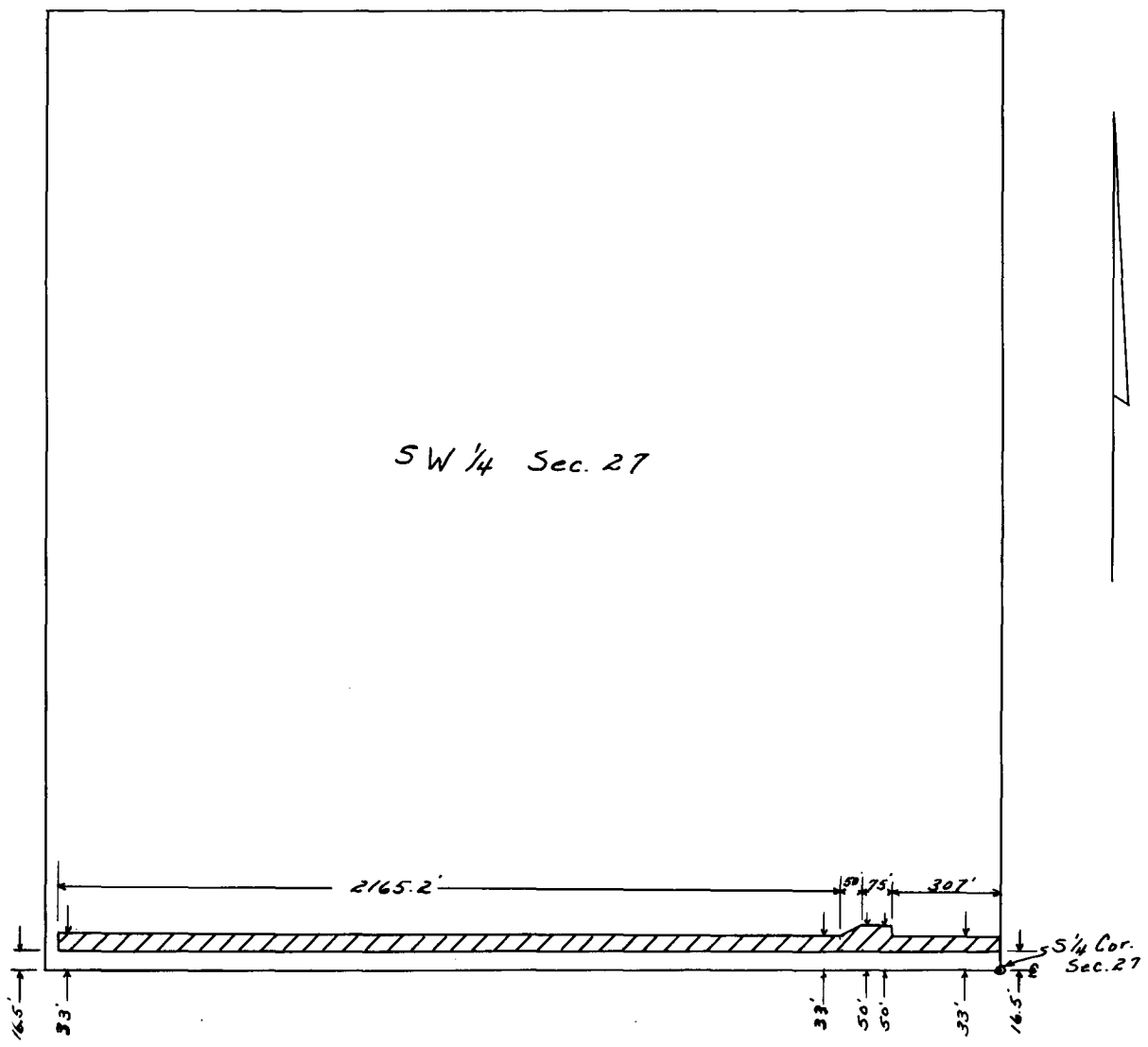
R.O.W. Area 1.02 Acres. Borrow Area - - Acres. Total Consideration $ - -

Acquired by Condemnation Date of Contract - - 19 --

LOCATION

From CL Station 0+00 to CL Station 25+972 Section 27,

Township 75N Range 27W Township (Civil) Scott Iowa.



Madison County Project No. 10-60

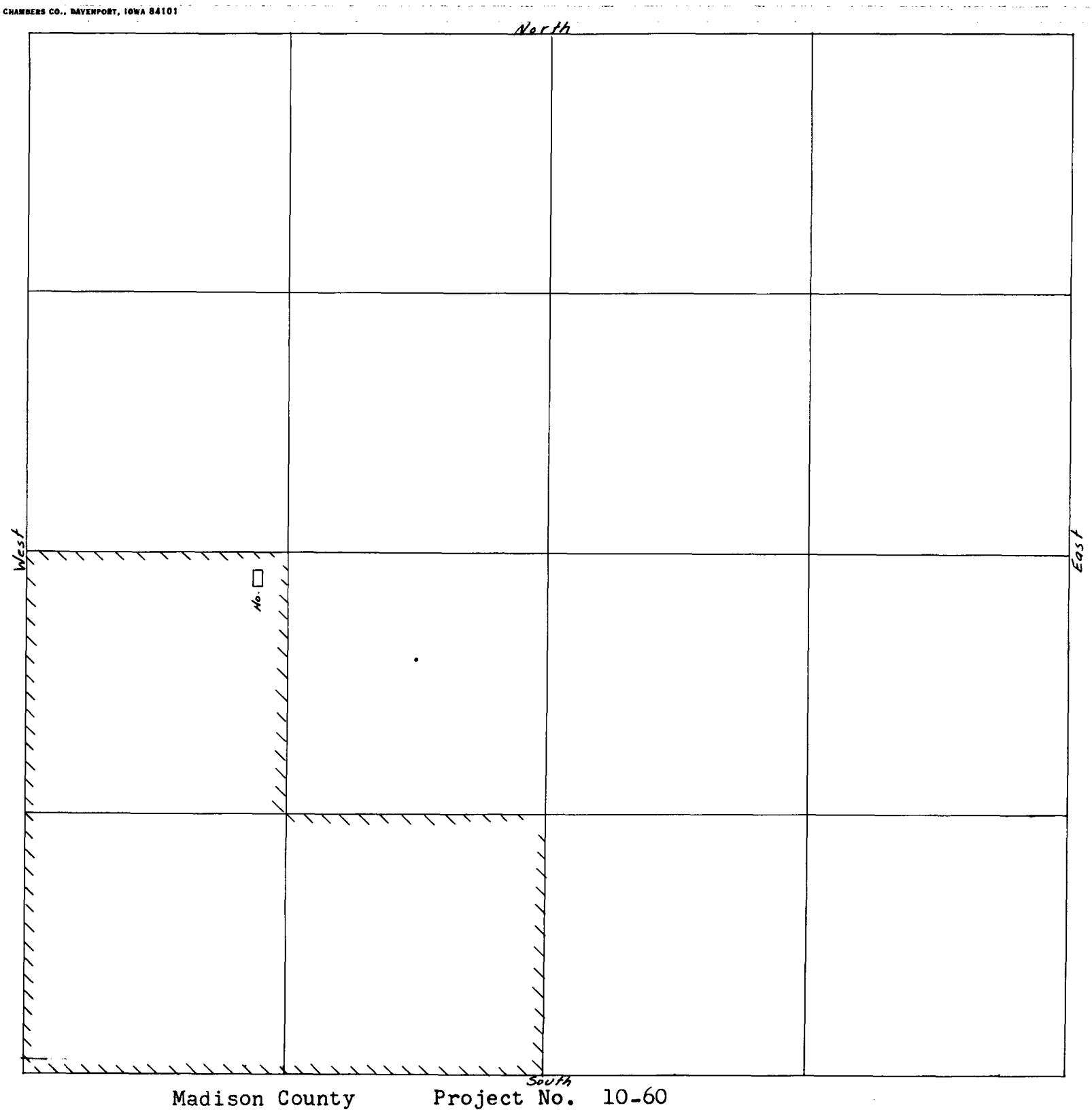
Plat of Property

Of C. F. & T. F. Ruth Area 120 Acres. Sta. 0+00 to Sta. 25+972

Section 27 T 75 N-R 27 W.

Deed Record, No. 91, Madison County, Iowa

FIDLAR & CHAMBERS CO., DAVENPORT, IOWA 84101



Madison County Project No. 10-60

COUNTY Madison INFORMATION FOR CONDEMNATION PROCEEDINGS Project 10-60

OWNER OF RECORD

C. F. Ruth	Spouse	Lenore	Peru, Iowa
T. F. Ruth	Spouse	Venecia	Winterset, Iowa

Occupant of the Land C. F. Ruth Peru, Iowa Signed? - -

Occupant of the House - - - - Signed? - -

NAMES AND ADDRESSES OF ALL LIENHOLDERS: None

Legal Description of parcel to be condemned.

Commencing at the S¼ corner Sec. 27 T75N R27W, thence North 16.5 feet to the point of beginning, thence West 0°00' 2597.2 feet, thence North 16.5 feet, thence East 2165.2 feet, thence North 71°14' East 52.8 feet, thence East 75.0 feet, thence South 17.0 feet, thence East 307.0 feet, thence South 16.5 feet to the point of beginning, containing 1.02 acres, more or less, exclusive of the present roadway, and moving approximately 157 rods of fencing.

Note: The South line of the SW¼ of said Sec. 27 is assumed to bear due East and West.

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)

RECEIVED JUL 19 PM 3:56
MADISON COUNTY SHERIFF
WINTERSET, IOWA

NOTICE OF CONDEMNATION OF PROPERTY BY MADISON COUNTY, IOWA

TO: C. F. RUTH AND T. F. RUTH;

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:

FIDLAR & CHAMBERS CO., DAVENPORT, IOWA 84101

Commencing at the S¼ corner Sec. 27 T75N R27W, thence North 16.5 feet to the point of beginning, thence West 0°00' 2597.2 feet, thence North 16.5 feet, thence East 2165.2 feet, thence North 71°14' East 52.8 feet, thence East 75.0 feet, thence South 17.0 feet, thence East 307.0 feet, thence South 16.5 feet to the point of beginning, containing 1.02 acres, more or less, exclusive of the present established roadway, and moving approximately 157 rods of fencing.

The South line of the SW¼ of said Sec. 27 is assumed to bear due East and West.

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 Aug, 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.

The within notice received this 19th day of August 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
C. F. Ruth	7	21	60	Scott twp.	Madison	Iowa
T. F. Ruth	7	21	60	Center twp.	Madison	Iowa

FEES	
Service	$ 1.25
Copies	$ - -
Mileage	$ 2.70
Total,	$ 3.95

Rex Rouse, Sheriff
By L. E. Hooper
L. E. Hooper, Deputy Sheriff

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

APPOINTMENT AND COMMISSION

WHEREAS, written application has been made to me by Madison County, Iowa, a corporation, for the Appointment of Commissioners to assess the damages sustained by those having interest in certain real estate for the purpose of 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:

Roy Pond, Lee twp.
Fred Morford, Penn twp.
Harry Switzer, Penn twp.
Carl Phearman, Douglas twp.
Wilbur Riser, Union twp.
Ernest McNamara, Winterset

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.

FIDLAR & CHAMBERS CO., DAVENPORT, IOWA 84101

Dated at Winterset, Madison County, Iowa, this 22nd day of August, 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 August, 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 27, in Township 75 North, 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.

Roy Pond Roy L. Pond
Fred Morford
Fred Morford
Harry Switzer
Harry M. Switzer

Carl Phearman Carl J. Phearman
Wilbur Riser
Wilbur Riser
Ernest McNamara
Ernest McNamara

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

(DISTRICT COURT SEAL)

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

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

TO: Roy Pond, Fred Morford, Harry Switzer, Carl Phearman, Wilbur Riser, Ernest McNamara
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 C. F. Ruth and T. F. Ruth and located in Section 27, in Township 75 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 19th day of July, 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 August, 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 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 thereof.

Dated this 22nd day of August, 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 23rd day of August, 1960.

FIDLAR & CHAMBERS CO., DAVENPORT, IOWA 84101

Wilbur Riser
Roy L. Pond
Ernest McNamara

Carl J. Phearman
Fred Morford
Harry M. Switzer

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 27, in Township 75 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 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
C. F. Ruth	Peru, Iowa	Peru, Iowa
T. F. Ruth	Winterset, Iowa	Winterset, Iowa

Mortgagee: None
Lessee: None
Owners Spouse: Lenore Ruth (wife of C. F. Ruth) Venecia G (wife of T. F. Ruth)

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 which will be sutained 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 19th day of July, 1960.

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

EXHIBIT "A"

Description of real estate belonging to C. F. Ruth and [redacted] T. F. Ruth, and being the subject matter of this condemnation proceeding.

Deed Record, No. 91, Madison County, Iowa

FIDLAR & CHAMBERS CO., DAVENPORT, IOWA 84101

Commencing at the S¼ corner Section 27 T75N R27W, thence North 16.5 feet to the point of beginning, thence West 0°00' 2597.2 feet, thence North 16.5 feet, thence East 2165.2 feet, thence North 71°14' East 52.8 feet, thence East 75.0 feet, thence South 17.0 feet, thence East 307.0 feet, thence South 16.5 feet to the point of beginning, containing 1.02 acres, more or less, exclusive of the present roadway, and moving approximately 157 rods of fencing.

Note: The South line of the SW¼ of said Section 27 is assumed to bear due East and West.

PROPERTY PLAT

Acquired from C. F. & T. F. Ruth Married or Single? Married Lenore Ruth (Give full name of spouse)

R.O.W. Area 1.02 Acres. Borrow Area - - Acres. Total Consideration $ - -

Acquired by Condemnation Date of Contract -- 19 --

LOCATION

From CL Station 0+00 to CL Station 25+972 Section 27

Township 75 N Range 27 W Township (Civil) Scott Iowa.

FOR COPY OF PLAT AS SHOWN ON FILED INSTRUMENT
SEE PLAT RECORDED IN DEED RECORD 91, PAGE 119

Madison County Project No. 10-60

Plat of Property

Of C. F. & T. F. Ruth Area 120 Acres. Sta. 0+00 to Sta. 25+972

Section 27 T 75 N-R 27 W.

FOR COPY OF PLAT AS SHOWN ON FILED INSTRUMENT
SEE PLAT RECORDED IN DEED RECORD 91, PAGE 120

Madison County Project No. 10-60

COUNTY Madison INFORMATION FOR CONDEMNATION PROCEEDINGS Project 10-60

OWNER OF RECORD

C. F. Ruth Spouse Lenore Peru, Iowa
T. F. Ruth Spouse Venecia Winterset, Iowa

Occupant of the Land C. F. Ruth Peru, Iowa Signed? - -

Occupant of the House - - - - Signed? - -

NAMES AND ADDRESSES OF ALL LIENHOLDERS: None

Legal Description of parcel to be condemned.

Commencing at the S¼ corner Sec. 27 T75N R27W, thence North 16.5 feet to the point of beginning, thence West 0°00' 2597.2 feet, thence North 16.5 feet, thence East 2165.2 feet, thence North 71°14' East 52.8 feet, thence East 75.0 feet, thence South 17.0 feet, thence East 307.0 feet,thence South 16.5 feet to the point of beginning, containing 1.02 acres, more or less, exclusive of the present roadway, and moving approximately 157 rods of fencing.

Note: The South line of the SW¼ of said Sec. 27 is assumed to bear due East and West.

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

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

The undersigned, Commissioners, appointed by you by Order of Appointment dated the 22nd day of August, 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 19th day of July, 1960, do hereby make report that upon due notice we met upon said premises, viewed and inspected the same on the 23rd day of August, 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 the S¼ corner Section 27 T75N R27W, thence North 16.5 feet to the point of beginning, thence West 0°00' 2597.2 feet, thence North 16.5 feet, thence East 2165.2 feet, thence North 71°14' East 52.8 feet, thence East 75.0 feet, thence South 17.0 feet, thence East 307.0 feet, thence South 16.5 feet to the point of beginning, containing 1.02 acres, more or less, exclusive of the present roadway, and moving approximately 157 rods of fencing.

TO: C. F. Ruth and T. F. Ruth $650.00

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

NOTICES:	Sheriff of Madison County, Iowa	
	Costs of mileage and attendance of Sheriff's office	4.50
	Mileage	$ 3.82
	Attendance	$ 7.50
	Meals	5.51

APPRAISER'S FEES:

Roy Pond, Lee twp.	Roy L. Pond	$ 17.94
Fred Morford, Penn twp.	Fred Morford	$ 17.94
Harry Switzer, Penn twp.	Harry M. Switzer	$ 19.20
Carl Phearman, Douglas twp.	Carl J. Phearman	$ 15.56
Wilbur Riser, Union Twp.	Wilbur Riser	$ 15.14
Ernest McNamara, Winterset	Ernest McNamara	$ 15.14
		$772.25

Sept. 2, 1960

I, C. F. Ruth picked up the condemnation check for $650.00, Pay to the order of C. F. Ruth and T. F. Ruth.

C. F. Ruth

Witnessed by Wanda L. Bane

OFFICE OF SHERIFF OF MADISON COUNTY
REX ROUSE, SHERIFF L.E. HOOPER, DEPUTY WANDA BANE, CLERK
WINTERSET, IOWA

SHERIFF'S CERTIFICATION OF COSTS

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

1.	Serving Original Notices	1.25	2.70	3.95
2.	Sheriff Serving Notice of Appointment of Commissioners	3.25		3.25
3.	Sheriff Attending Commissioners	7.50	1.12	8.62
		TOTAL SHERIFF'S COSTS		$15.82

4. Commissioner's Expenses:

Roy Pond, Lee twp. 1 day service and mileage	17.94
Fred Morford, Penn twp. 1 day service and mileage	17.94
Harry Switzer, Penn twp. 1 day service and mileage (used his car in viewing)	19.20
Carl Phearman, Douglas twp. 1 day service and mileage	15.56
Wilbur Riser, Union twp. 1 day service and mileage	15.14
Ernest McNamara, Winterset 1 day service and mileage	15.14
	$100.92
Meals for Jury	5.51
TOTAL JURY COSTS	$106.43

5. Damages awarded C. F. Ruth and T. F. Ruth $650.00

RECAPITULATION

TOTAL DAMAGES AWARDED	$650.00
TOTAL SHERIFF'S COSTS	15.82
TOTAL COMMISSIONER'S EXPENSES	106.43
GRAND TOTAL	$772.25

Certified a true statement of C. F. Ruth and T. F. Ruth condemnation expenses and original copies of proceedings therewith.

COMPARED

Rex Rouse
Rex Rouse, Sheriff, Madison Co., Iowa