JENKINS-FERGEMANN CO., WATERLOO, IOWA—99067

Donald G. Williams et al
By Rex Rouse, Sheriff
To
Madison County, Iowa

#2233

No Fee

Filed for record the 29 day of May A. D. 1959 at 4:33 o'clock P. M.

Mary E. Welty, Recorder

CONDEMNATION PROCEEDINGS

RECEIVED 1959 MAY - 1 AM 9:45
MADISON COUNTY SHERIFF WINTERSET, 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

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

JENKINS-FERGEMANN CO., WATERLOO, IOWA-99067

a public highway as the same now proceeds through Section 12, in Township 75 North of Range 27 West of the 5th P. M., and Section 7, in Township 75 North of Range 26 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 therefor, 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 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 Owner	Place of Residence	Post Office Address
Donald G. Williams, (holder of Legal Title)	Boone, Iowa	Boone, Ia.
William C. Johnson, (holder of Equitable Title)	St. Charles, Ia	St. Charles

Name of Mortgagee or Lien Holder: Bankers Life Company - Des Moines, Iowa

Names of Owners' Spouse:		
Peggy A. Williams	Boone, Iowa	Boone, Iowa
Dorothy Ann Johnson	St. Charles, Ia	St. Charles

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 1st day of May, 1959.

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

EXHIBIT "A"

Description of real estate belonging to William C. Johnson and Donald G. Williams, and being the subject matter of this condemnation proceeding.

Commencing at the SE Cor Sec. 12, T75N R27W of the 5th P. M.; thence south 50.0 ft., thence west 1323.52 ft., thence north 50.0 ft., thence east 2.0 ft., thence north 50.0 ft., thence east 1236.0 ft., thence south 17.0 ft., thence east 85.52 ft., thence south 33.0 ft. to the point of beginning, containing 1.48 acres, more or less, exclusive of the present established roadway. Note: The south line of SE¼ Sec. 12 is assumed to bear due East & West.

Also, commencing at the SW Cor. Sec. 7, T75N R26W of the 5th P. M., thence north 33.0 ft., thence east 274.48 ft., thence north 12.0 ft., thence east 577.0 ft., thence south 45.0 ft., thence east 92.32 ft., thence south 372.45 ft., thence west 50.0 ft., thence northwesterly along a 332 ft. curve, concave southwesterly, 513.06 ft.,

JENKINS-FERGEMANN CO., WATERLOO, IOWA-99087

thence west 227.97 ft., thence north 17.0 ft., thence west 224.0 ft., thence S69° 18'W 48.1 ft., thence west 74.48 ft., thence north 50.0 ft. to the point of beginning, containing 0.85 acres, more or less, exclusive of the present established roadway.
Note: The south line of SW¼ Sec. 7 is assumed to bear due East & West.

PROPERTY PLAT

Acquired from Wm C. Johnson Married or Single Married Dorothy Ann

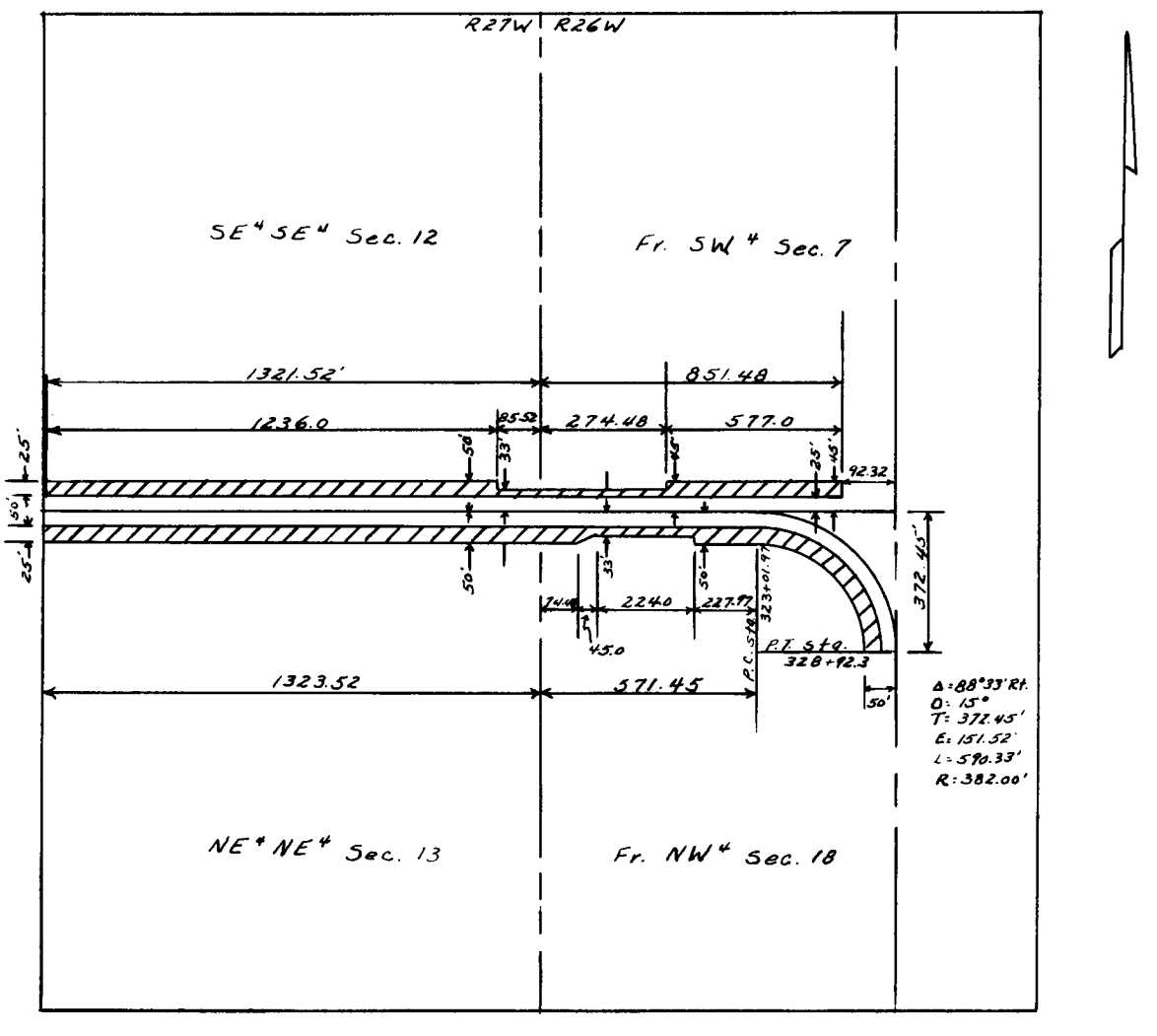
R.O.W. Area 2.33 Acres Borrow Area - Acres

Total Consideration $ - Acquired by Condemnation Date of Contract - - 19 -

LOCATION

From CL Station 304+07 to CL Station 328+92.3 Section 12-13 7-18,

Township 75 N, Range 27-26 W Township (Civil) Scott - South Iowa.



Madison County Project No. S-299 (4) Exhibit "B"

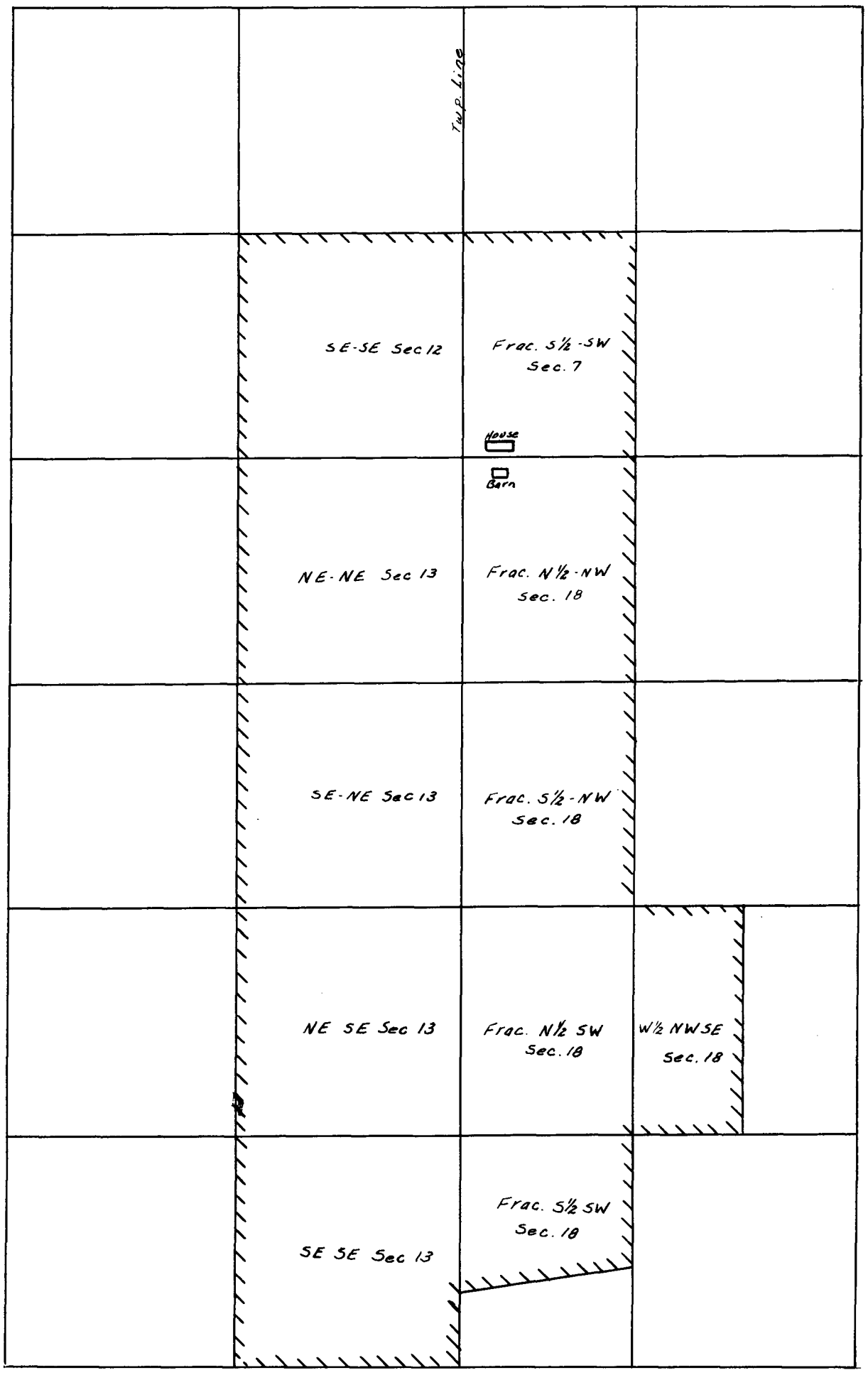
PLAT OF PROPERTY

Of Wm. C. Johnson Area 356.19 Acres Sta. 304+07 To Sta 325+82

Section 7-18 12-13 T 75 N R 26-27 W

(Over)

JENKINS-FERGEMANN CO., WATERLOO, IOWA—99067



MADISON COUNTY PROJECT NO. S-299 (4)

INFORMATION FOR CONDEMNATION PROCEEDINGS

COUNTY Madison Project S -299

OWNER OF RECORD William C. Johnson Name St. Charles, Iowa Address

Spouses Dorothy Ann Johnson Name St. Charles, Iowa Address

Occupant of the Land William C. Johnson Name St. Charles, Iowa Address

Is tenant a member of the family of the property owner - Has old road been regularly established Yes Has tenant signed crop contract form No. 676 - Recorded in Book 4, Page 112 Width 50'

LIENS: Bankers Life Company Name of holder Des Moines, Iowa Address

New Fencing - rods. Total amount asked $ - Old Fencing 280 rods.

Total amount offered $649.50

Legal Description of parcel to be condemned. (R.O.W. - Channel change - Borrow)

Commencing at the SE Cor. Sec. 12, T75N R27W of the 5th P. M.; thence south 50.0 ft., thence west 1323.52 ft., thence north 50.0 ft., thence east 2.0 ft., thence north 50.0 ft., thence east 1236.0 ft., thence south 17.0 ft., thence east 85.52 ft., thence south 33.0 ft. to the point of beginning, containing 1.48 acres, more or less, exclusive of the present established roadway.
Note: The south line of SE¼ Sec. 12 is assumed to bear due East & West.

Also, commencing at the SW Cor. Sec. 7, T75N R26W of the 5th P. M., thence north 33.0 ft., thence east 274.48 ft., thence north 12.0 ft., thence east

JENKINS-FERGEMANN CO., WATERLOO, IOWA-99067

577.0 ft., thence south 45.0 ft., thence east 92.32 ft., thence south 372.45 ft., thence west 50.0 ft., thence northwesterly along a 332 ft. curve, concave southwesterly, 513.06 ft., thence west 227.97 ft., thence north 17.0 ft., thence west 224.0 ft., thence S69°18'W 48.1 ft., thence west 74.48 ft., thence north 50.0 ft. to the point of beginning, containing 0.85 acres, more or less, exclusive of the present established roadway.
Note: The south line of SW¼ Sec. 7 is assumed to bear due East & 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)

NOTICE OF CONDEMNATION OF PROPERTY BY MADISON COUNTY, IOWA

RECEIVED 5-4-59 TIME 8:40 A.M.
Steve C. Beaulieu, Sheriff

TO: DONALD G. WILLIAMS,
WILLIAM C. JOHNSON, BANKERS LIFE COMPANY:

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 the SE cor. Sec. 12, T75N R27W of the 5th P.M., thence south 50.0 ft., thence west 1323.52 ft., thence north 50.0 ft., thence east 2.0 ft., thence north 50.0 ft., thence east 1236.0 ft., thence south 17.0 ft., thence east 85.52 ft., thence south 33.0 ft. to the point of beginning, containing 1.48 acres,more or less, exclusive of the present established roadway.
Note: The south line of SE¼ Sec. 12 is assumed to bear due East & West.

Also, commencing at the SW Cor. Sec. 7, T75N R26W of the 5th P.M., thence north 33.0 ft., thence east 274.48 ft., thence north 12.0 ft., thence east 577.0 ft., thence south 45.0 ft., thence east 92.32 ft., thence south 372.45 ft., thence west 50.0 ft., thence northwesterly along a 332. ft. curve, concave southwesterly, 513.06 ft., thence west 227.97 ft., thence north 17.0 ft., thence west 224.0 ft., thence S69°18'W 48.1 ft., thence west 74.48 ft., thence north 50.0 ft. to the point of beginning, containing 0.85 acres, more or less, exclusive of the present established roadway.
Note: The south line of SW¼ Sec. 7 is assumed to bear due East & West.

YOU ARE FURTHER NOTIFIED that such condemnation is sought for the purpose of improving 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 the 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 14th day of May, 1959, at 10:30 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

THE STATE OF IOWA BOONE COUNTY) SS RETURN OF SERVICE

The within notice received this 4 day of May, 19- - 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	County	State
Donald G. Williams	May	4	1959	Boone	Boone	Iowa

FEES
Service-$ .75
Copies -$ --
Mileage-$ .54
Total -$1.29

Steve C. Beaulieu, Sheriff
of Boone County, Iowa
By Rollin G. Evers Deputy

STATE OF IOWA MADISON COUNTY) SS. RETURN OF ORIGINAL NOTICE

The within notice received this 1st day of May, 1959, and I certify that on the 2nd day of May, 1959, I served the same on the defendant William C. Johnson at his dwelling house or usual place of abode in the Township of Scott in Madison County, State of Iowa,

JENKINS-FERGEMANN CO., WATERLOO, IOWA-99067

and which place was not a rooming house, hotel, club or apartment building, by there delivering a copy thereof to Mrs. Dorothy Ann Johnson, a person residing therein who was then at least eighteen years old.

Rex Rouse Sheriff
Official Title

FEES
Service $ 1.25
Copies $ 1.29
Mileage $16.38
Total $18.92

STATE OF IOWA, MADISON COUNTY,) SS RETURN OF ORIGINAL NOTICE.

The within notice received this 1st day of May, 1959, and I certify that on the 4th day of May, 1959, I served the same on the defendant Bankers Life Company, a Corporation by delivering a copy thereof to H. T. Bailey an Assistant Legal Counsel of said defendants, in the City of Des Moines, in Polk County, State of Iowa.

Rex Rouse Sheriff
Official Title

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:

Charles Crow	Claude Shearer	Ray Spera
Ray Witt	Dale Niblo	Alf Danforth

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 1st day of May, 1959.

Rex Rouse Sheriff
of Madison County, Iowa

OATH AND QUALIFICATION OF COMMISSIONERS

STATE OF IOWA MADISON COUNTY) SS.

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 1st day of May, 1959, 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 12, in Township 75 North of Range 27 West of the 5th P. M., and Section 7 in Township 75 North of Range 26 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 will to the best of his ability faithfully and impartially assess said damages and make written report to the Sheriff, as provided by law.

Alf D. Danforth	R. E. Spera	Ray Witt
Claude N. Shearer	C. G. Crow	Dale Niblo

Subscribed and sworn to before me by all and each of the foregoing named individuals, in my presence this 14th day of May, 1959
(DISTRICT COURT SEAL)

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

JENKINS-FERGEMANN CO., WATERLOO, IOWA-99067

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 Section 12, in Township 75 North of Range 27 West of the 5th P. M., and Section 7, in Township 75 North of Range 26 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 therefor, 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 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 Owner:	Place of Residence	Post Office Address
Donald G. Williams, (holder of Legal Title)	Boone, Iowa	Boone, Ia.
William C. Johnson, (holder of Equitable Title)	St. Charles, Ia.	St. Charles

Name of Mortgagee or Lien Holder: Bankers Life Company - Des Moines, Iowa

Names of Owner's Spouse:

Peggy A. Williams	Boone, Iowa	Boone, Iowa
Dorothy Ann Johnson	St. Charles, Ia.	St. Charles

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 1st day of May, 1959.

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

EXHIBIT "A"

Description of real estate belonging to William C. Johnson and Donald G. Williams, and being the subject matter of this condemnation proceeding.

Commencing at the SE Cor. Sec. 12, T75N R27W of the 5th P.M.; thence south 50.0 ft., thence west 1323.52 ft., thence north 50.0 ft., thence east 2.0 ft., thence north 50.0 ft., thence east 1236.0 ft., thence south 17.0 ft., thence east

JENKINS-FERGEMANN CO., WATERLOO, IOWA-99067

85.52 ft., thence south 33.0 ft. to the point of beginning, containing 1.48 acres, more or less, exclusive of the present established roadway.
Note: The south line of SE¼ Sec. 12 is assumed to bear due East & West.

Also, commencing at the SW Cor. Sec. 7, T75N R26W of the 5th P.M., thence north 33.0 ft., thence east 274.48 ft., thence north 12.0 ft., thence east 577.0 ft., thence south 45.0 ft., thence east 92.32 ft., thence south 372.45 ft., thence west 50.0 ft., thence northwesterly along a 332 ft. curve, concave southwesterly, 513.06 ft., thence west 227.97 ft., thence north 17.0 ft., thence west 224.0 ft., thence S69°18'W 48.1 ft., thence west 74.48 ft., thence north 50.0 ft. to the point of beginning, containing 0.85 acres, more or less exclusive of the present established roadway.
Note: The south line of SW¼ Sec. 7 is assumed to bear due East & West.

PROPERTY PLAT

Acquired from Wm. C. Johnson Married or Single Married Dorothy Ann

R.O.W. Area 2.33 Acres Borrow Area - - Acres

Total Consideration $ - - Acquired by Condemnation Date of Contract - 19 -.

LOCATION

From CL Station 304+07 to CL Station 328+92.3 Section 12-13 7-18

Township 75N Range 27-26 W Township (Civil) Scott - South Iowa

FOR COPY OF PLAT AS SHOWN ON FILED INSTRUMENT

SEE EXHIBIT "B" RECORDED IN DEED RECORD 89, PAGE 431.

Madison County Project No. S-299(4)

PLAT OF PROPERTY

Of Wm. C. Johnson Area 356.19 Acres Sta. 304+07 to Sta. 325+82

Section 7 - 18 12 - 13 T75N R26 - 27 W

FOR COPY OF PLAT AS SHOWN ON FILED INSTRUMENT

SEE PLAT RECORDED IN DEED RECORD 89, PAGE 432.

Madison County Project No. S-299(4)

INFORMATION FOR CONDEMNATION PROCEEDINGS

County Madison Project S-299

OWNER OF RECORD William C. Johnson Name St. Charles, Iowa Address

Spouses Dorothy Ann Johnson Name St. Charles, Iowa Address

Occupant of the Land William C. Johnson Name St. Charles, Iowa Address

Is tenant a member of the family of the property owner - - Has old road been regularly established Yes Has tenant signed crop contract form No. 676 - - Recorded in Book 4, Page 112 Width 50'

LIENS: Bankers Life Company Name of holder Des Moines, Iowa Address

New Fencing - Rods. Total amount asked $ - - Old Fencing 280 rods.

Total amount offered $649.50

Legal Description of parcel to be condemned. (R.O.W. - Channel Change - Borrow.)

Commencing at the SE Cor. Sec. 12, T75N R27W of the 5th P.M.; thence south 50.0 ft., thence west 1323.52 ft., thence north 50.0 ft., thence east 2.0 ft., thence north 50.0 ft., thence east 1236.0 ft., thence south 17.0 ft., thence east 85.52 ft., thence south 33.0 ft. to the point of beginning, containing 1.48 acres, more or less, exclusive of the present established roadway.
Note: The south line of SE¼ Sec. 12 is assumed to bear due East & West.

Also, commencing at the SW Cor. Sec. 7, T75N R26W of the 5th P.M., thence north 33.0 ft., thence east 274.48 ft., thence north 12.0 ft., thence east 577.0 ft., thence south 45.0 ft., thence east 92.32 ft., thence south 372.45 ft., thence west 50.0 ft., thence northwesterly along a 332 ft. curve, concave southwesterly, 513.06 ft., thence west 227.97 ft., thence north 17.0 ft., thence west 224.0 ft., thence S69°18'W 48.1 ft., thence west 74.48 ft., thence north 50.0 ft. to the point of beginning, containing 0.85 acres, more or less, exclusive of the present established roadway.
Note: The south line of the SW¼ Sec. 7 is assumed to bear due East & West.

JENKINS-FERGEMANN CO., WATERLOO, IOWA-99067

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: Charles Crow; Ray Witt; Claude Shearer, Dale Niblo; Ray Spera; Alf Danforth.

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 Donald G. Williams and William C. Johnson and located in Section 12, in Township 75 North, of Range 27 West of the 5th P. M., and Section 7, in Township 75 North of Range 26 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 1st day of May, 1959, 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 14th day of May, 1959, at 9:20 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 hereof.

Dated this 1st day of May, 1959.

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 5th day of May, 1959.

Alf D. Danforth	R. E. Spera	Ray Witt
Claude N. Shearer	C. G. Crow	Dale Niblo

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 Section 12, in Township 75 North of Range 27 West of the 5th P. M., and Section 7, in Township 75 North of Range 26 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 therefor, 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 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

JENKINS-FERGEMANN CO., WATERLOO, IOWA-99067

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 improve-provements 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 Owner:	Place of Residence	Post Office Address
Donald G. Williams, (holder of Legal Title)	Boone, Iowa	Boone, Ia.
William C. Johnson, (holder of Equitable Title)	St. Charles, Ia	St. Charles -

Name of Mortgagee or Lien Holder: Bankers Life Company - Des Moines, Iowa

Names of Owners' Spouse:		
Peggy A. Williams	Boone, Iowa	Boone, Iowa
Dorothy Ann Johnson	St. Charles,Ia	St. Charles -

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 1st day of May, 1959.

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

EXHIBIT "A"

Description of real estate belonging to William C. Johnson and Donald G. Williams, and being the subject matter of this condemnation proceeding.

Commencing at the SE Cor Sec. 12, T75N R27W of the 5th P. M.; thence south 50.0 ft., thence west 1323.52 ft., thence north 50.0 ft., thence east 2.0 ft., thence north 50.0 ft., thence east 1236.0 ft., thence south 17.0 ft., thence east 85.52 ft., thence south 33.0 ft. to the point of beginning, containing 1.48 acres, more or less, exclusive of the present established roadway, Note: The south line of SE¼ Sec. 12 is assumed to bear due East & West.

Also, commencing at the SW Cor. Sec. 7, T75N R26W of the 5th P. M., thence North 33.0 ft., thence east 274.48 ft., thence North 12.0 ft., thence east 577.0 ft., thence south 45.0 ft., thence east 92.32 ft., thence south 372.45 ft., thence west 50.0 ft., thence northwesterly along a 332 ft. curve, concave southwesterly, 513.06 ft., thence west 227.97 ft., thence north 17.0 ft., thence west 224.0 ft., thence S69° 18'W 48.1 ft., thence west 74.48 ft., thence north 50.0 ft. to the point of beginning, containing 0.85 acres, more or less, exclusive of the present established roadway. Note: The south line of SW¼ Sec. 7 is assumed to bear due East & West.

PROPERTY PLAT

Acquired from Wm. C. Johnson Married or Single Married Dorothy Ann

R. O. W. Area 2.33 Acres Borrow Area - Acres

Total Consideration $ - Acquired by Condemnation Date of Contract - 19 -

LOCATION

From CL Station 304+07 to CL Station 328+92.3 Section 12-13 7-18, Township 75 N

Range 27-26 W Township (Civil) Scott- South Iowa

FOR COPY OF PLAT AS SHOWN ON FILED INSTRUMENT

SEE EXHIBIT "B" RECORDED IN DEED RECORD 89, PAGE 431

Madison County Project No. S-299 (4)

JENKINS-FERGEMANN CO., WATERLOO, IOWA-99067

PLAT OF PROPERTY

Of Wm. C. Johnson AREA 356.19 ACRES STA. 304+07 TO STA 325+82

SECTION 7-18 12-13 T 75 N R 26-27 W

FOR COPY OF PLAT AS SHOWN ON FILED INSTRUMENT

SEE PLAT RECORDED IN DEED RECORD 89, PAGE 432.

MADISON COUNTY PROJECT NO. S-299 (4)

INFORMATION FOR CONDEMNATION PROCEEDINGS COUNTY MADISON
Project S-299

OWNER OF RECORD
William C. Johnson Name St. Charles, Iowa Address

Spouses Dorothy Ann Johnson Name St. Charles, Iowa Address

Occupant of the Land William C. Johnson Name St. Charles, Iowa Address

Is tenant a member of the family of the property owner - Has old road been regularly established Yes Has tenant signed crop contract form No. 676 - Recorded in Book 4, Page 112 — Width 50'

LIENS: Bankers Life Company Name of holder Des Moines, Iowa Address

New Fencing - rods Total amount asked $ -

Old Fencing 280 rods Total amount offered $649.50

Legal Description of parcel to be condemned. (R.O.W.-Channel change -Borrow.)

Commencing at the SE Cor. Sec. 12, T75N R27W of the 5th P.M.; thence south 50.0 ft., thence west 1323.52 ft., thence north 50.0 ft., thence east 2.0 ft., thence north 50.0 ft., thence east 1236.0 ft., thence south 17.0 ft., thence east 85.52 ft., thence south 33.0 ft. to the point of beginning, containing 1.48 acres, more or less, exclusive of the present established roadway.
Note: The south line of SE¼ Sec. 12 is assumed to bear due East & West.

Also, commencing at the SW Cor. Sec. 7, T75N R26W of the 5th P.M., thence north 33.0 ft., thence east 274.48 ft., thence north 12.0 ft., thence east 577.0 ft., thence south 45.0 ft., thence east 92.32 ft., thence south 372.45 ft., thence west 50.0 ft., thence northwesterly along a 332 ft. curve, concave southwesterly, 513.06 ft., thence west 227.97 ft., thence north 17.0 ft., thence west 224.0 ft., thence S69°18'W 48.1 ft., thence west 74.48 ft., thence north 50.0 ft. to the point of beginning, containing 0.85 acres, more or less, exclusive of the present established roadway.
Note: The south line of SW¼ Sec. 7 is assumed to bear due East & West

IN THE MATTER OF THE APPLICATION BY MADISON)
COUNTY, IOWA, FOR THE APPOINTMENT OF COMM-) REPORT OF COMMISSIONERS
ISSIONERS TO 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 1st day of May, 1959, to inspect the real estate hereinafter described and assess the damages which the owner andparties interested herein 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 1st day of May, 1959, do hereby make report that upon due notice we met upon said premises, viewed and inspected the same on the 14th day of May, 1959 at 9:30 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:

Commencing at the SE Cor. Sec. 12, T75N R27W of the 5th P.M.; thence south 50.0 ft., thence west 1323.52 ft., thence north 50.0 ft., thence east 2.0 ft., thence north 50.0 ft., thence east 1236.0 ft., thence south 17.0 ft., thence east 85.52 ft., thence south 33.0 ft. to the point of beginning, containing 1.48 acres, more or less, exclusive of the present established roadway,
Note: The south line of SE¼ Sec. 12 is assumed to bear due East & West.
Also, commencing at the SW Cor. Sec. 7, T75N R26W of the 5th P. M. thence north 33.0 ft., thence east 274.48 ft., thence north 12.0 ft., thence east 577.0 ft., thence south 45.0 ft., thence east 92.32 ft., thence south 372.45 ft., thence west 50.0 ft., thence northwesterly along a 332 ft. curve, concave southwesterly, 513.06 ft., thence west 227.97 ft., thence north 17.0 ft., thence west 224.0 ft., thence S69°18'W 48.1 ft., thence west 74.48 ft., thence north 50.0 ft. to the place of beginning, containing 0.85

JENKINS-FERGEMANN CO., WATERLOO, IOWA-99067

acres, more or less, exclusive of the present established roadway.
Note: The south line of SW¼ Sec. 7 is assumed to bear due East & West.

To Donald G. Williams and William C. Johnson and Bankers Life Company, Des Moines, Iowa — $1001.91

We further report that the costs of said assessment ar_ as follows:

NOTICES: Sheriff of Madison County, Iowa
Costs of mileage and attendance of Sheriff's Office

Mileage	$ 1.62
Attendance	$ 7.50
	$ 9.12

ALL COMMISSIONER'S FEES CHARGED ON THIS CONDEMNATION.

APPRAISER'S FEES:				
	Dale Niblo	$ -	Claude N. Shearer	$ -
	R. E. Spera	$ -	Alf. D. Danforth	$ -
	Ray Witt	$ -	C. G. Crow	$ -

SHERIFF'S CERTIFICATION OF COSTS

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

	FEES	MILEAGE	TOTAL
1. Serving Original Notice	3.75	8.10	$11.85
2. Sheriff Serving Notice of Appointment of Commissioners	3.25	8.28	11.53
3. Sheriff Attending Commissioners	7.50	1.62	9.12
4. Sheriff Boone County	.75	.54	1.29
	TOTAL SHERIFF'S COSTS		$33.79

5. Commissioner's Expenses:

Dale Niblo, Center Twp. 1 day service and mileage	16.20
R. E. Spera, Jackson Twp. 1 day service and mileage	17.21
Ray Witt, Grand River Twp. 1 day service and mileage (used his car on viewing)	19.52
Claude N. Shearer, Walnut Twp. 1 day service and mileage	17.84
Alf D. Danforth, Center Twp. 1 day service and mileage	16.20
C. G. Crow, Grand River Twp. 1 day service and mileage	18.54
TOTAL JURY COSTS	$105.51

6. Damages awarded:

Dale Mapes	825.00
William C. Johnson	1001.91
Emerson Eyerly	568.50
TOTAL DAMAGES AWARDED	$2395.41

RECAPITULATION

TOTAL DAMAGES AWARDED	$2,395.41
TOTAL SHERIFF'S COSTS	33.79
TOTAL COMMISSIONER'S EXPENSES	105.51
GRAND TOTAL	$2,534.71

All commissioner's fees charged on William C. Johnson condemnation

Certified a true statement of Dale Mapes, William C. Johnson, and Emerson Eyerly condemnation expenses and original copies of proceedings therewith.

May 15, 1959

Rex Rouse
Rex Rouse Sheriff
Madison County, Iowa