Deed Record, No. 89, Madison County, Iowa

Florence E. Frey et al
By Rex Rouse, Sheriff
To
Madison County, Iowa

#2882

No Fee

CONDEMNATION PROCEEDINGS

Filed for record the 30 day of July A. D. 1959 at 8:33 o'clock A. M.

Mary E. Welty, Recorder RECEIVED
1959 JUL 14 AM 11:00
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 a public highway as the same now proceeds through Section 12, 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 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 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:

	Place of Residence	Post Office Address
The Owner: Florence E. Frey	Winterset, Iowa	Winterset, Iowa
Owner's Spouse: Homer A. Frey	Winterset, Iowa	Winterset, Iowa

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 14th day of July, 1959.

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

JENKINS-FERGEMANN CO., WATERLOO, IOWA-99067

EXHIBIT "A"

Description of real estate belonging to Florence E. Frey, and being the subject matter of this condemnation proceeding:

An undivided one-third (1/3) interest in and into the following described real estate.

Commencing at the SW Cor. SE¼ SW¼ Sec. 12, T75N R27W of the 5th P.M., thence north 25 feet to the P. O. B., thence east 1324.39 feet, thence N89°54'E 1327.37 feet, thence north 25 feet, thence S89°54'W 754 feet, thence S0°06'E 17 feet, thence S89°54'W 279 feet, thence N0°06'W 12 feet, thence S89°54'W 294.37 feet, thence west 1324.39 feet, thence south 20 feet to the P. O. B., containing 1.23 acres, more or less.

Note: The south line of the SE¼ SW¼ is assumed to bear due East and West.

PROPERTY PLAT

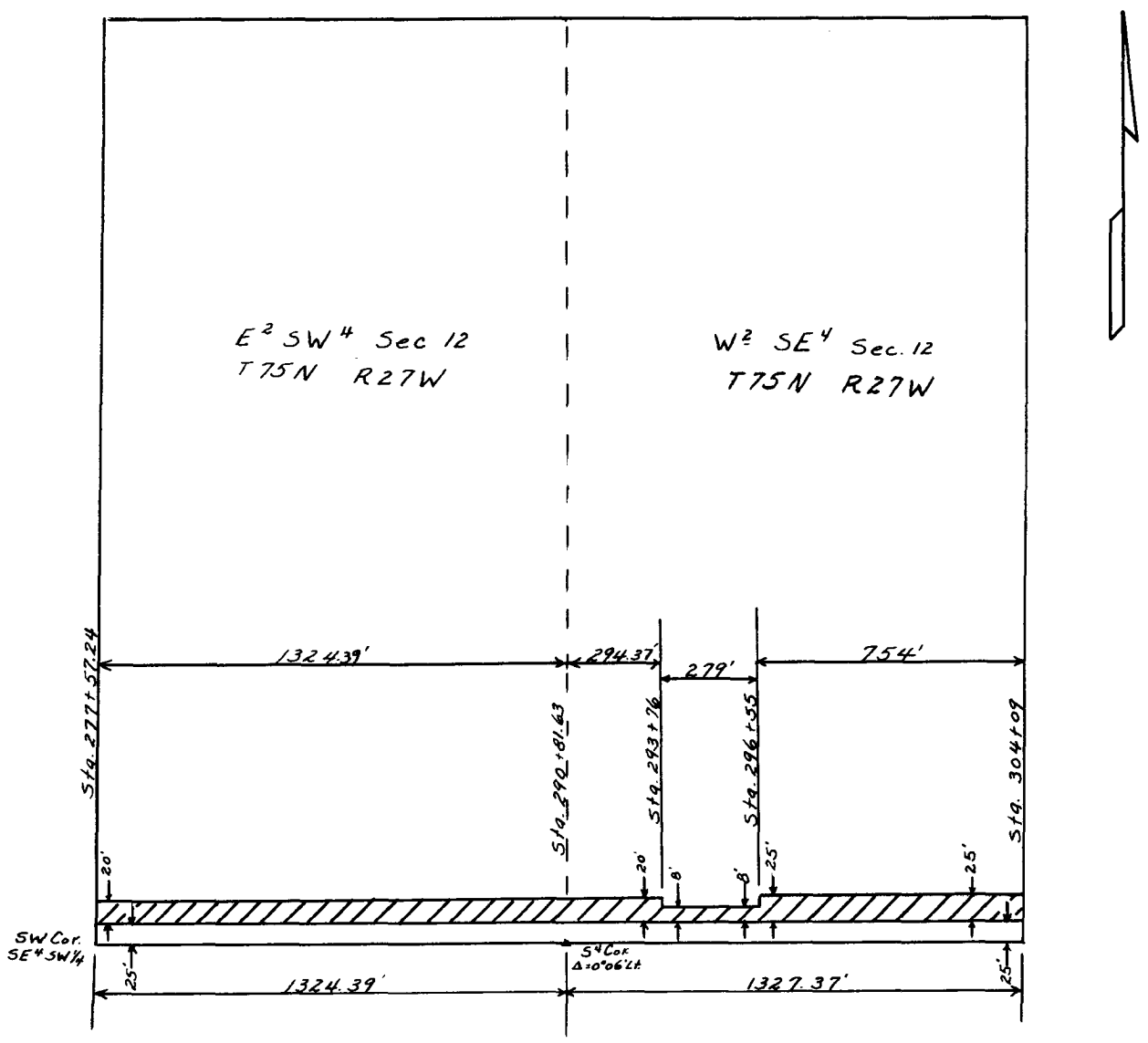
Acquired from Florence E. Frey Married or Single Married R.O.W. Area 1.23 Acres.

Borrow Area - - Acres. Total Consideration $ - -

Acquired by - - Date of Contract - - 19 -

LOCATION

From CL Station 277+57.24 to CL Station 304+09 Section 12, Township 75N, Range 27 W Township (Civil) Scott Iowa.



Madison County Project No. S-299(4)

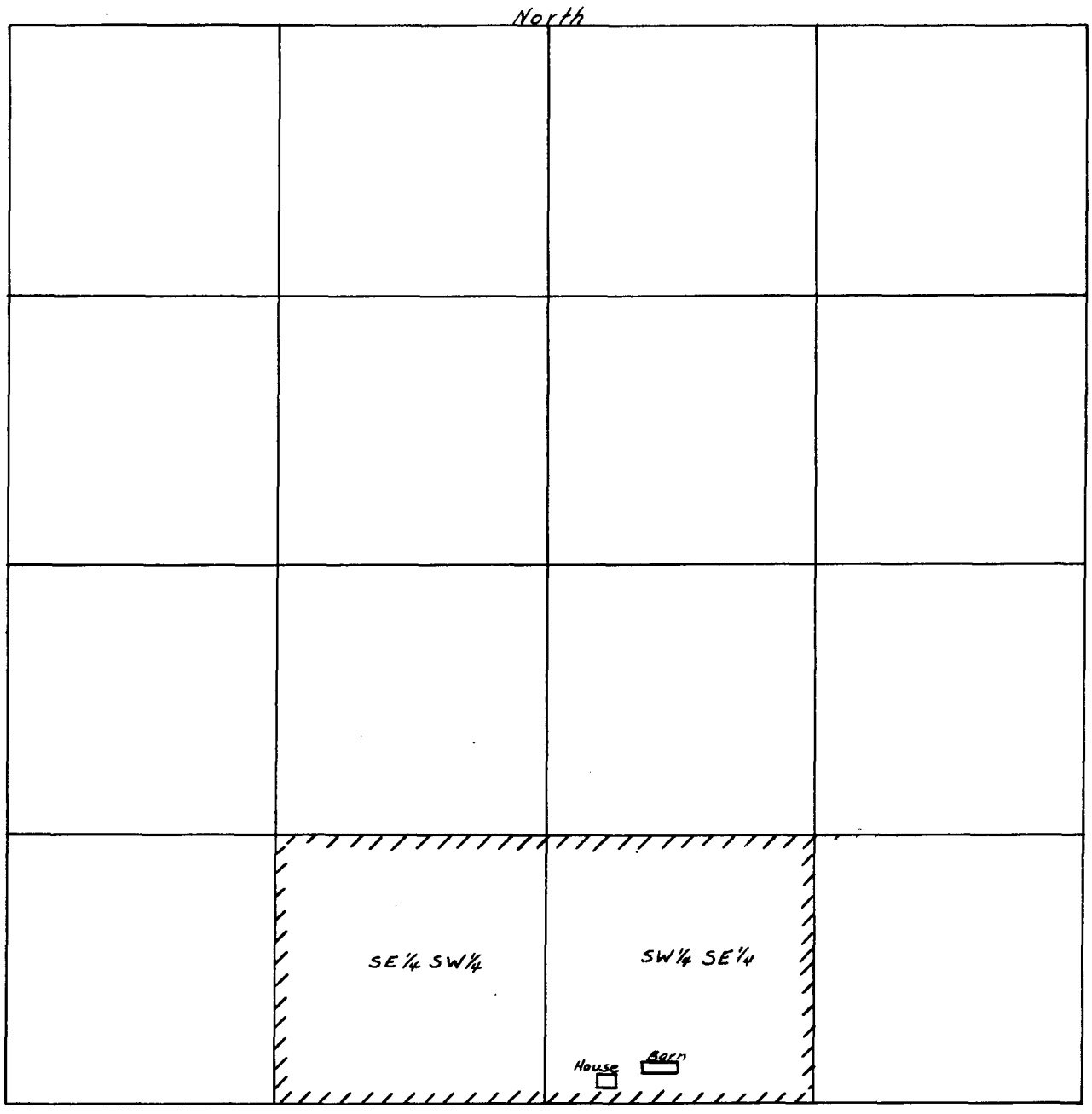
EXHIBIT "B"

PLAT OF FARM

Of Florence E. Frey Area 80 Acres Sta. 277+57.24 to Sta. 304+09

Section 12 T75 N-R 27 W

JENKINS-FERGEMANN CO., WATERLOO, IOWA-99067



Madison County Project No. S-299(4)

INFORMATION FOR CONDEMNATION PROCEEDINGS

County Madison
Project S-299(4)

OWNER OF RECORD
Florence E. Frey Name Winterset, Iowa Address
Spouses
Homer A. Frey Name Winterset, Iowa Address

Occupant of the Land
Homer A. and Florence E. Frey Name Winterset, Iowa Address

Is tenant a member of the family of the property owner Yes Has old road been regularly established Yes Has tenant signed crop contract form No. 676. - - Recorded in Book A Page 261 Width 66' - Reduced to 50' 4-112

LIENS: None New Fencing - - rods. Total amount asked $ - - -

Old Fencing 161 rods. Total amount offered $ - - -

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

An undivided one-third (1/3) interest in and into the following described real estate.

Commencing at the SW Cor. SE¼ SW¼ Sec. 12, T75N R27 W of the 5th P.M., thence north 25 feet to the P.O.B., thence east 1324.39 feet, thence N89°54'E 1327.37 feet, thence north 25 feet, thence S89°54'W 754 feet, thence S0°06'E 17 feet, thence S89°54'W 279 feet, thence N0°06'W 12 feet, thence S89°54'W 294.37 feet, thence west 1324.39 feet, thence south 20 feet to the P.O.B., containing 1.23 acres, more or less.

Note: The south line of the SE¼ SW¼ 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) NOTICE OF CONDEMNATION OF PROPERTY BY MADISON COUNTY, IOWA

RECEIVED 1959 JUL 14 AM 11:00
MADISON COUNTY SHERIFF, WINTERSET, IOWA

TO: FLORENCE E. FREY:

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

JENKINS-FERGEMANN CO., WATERLOO, IOWA—99067

Madison County, Iowa, a written application for the condemnation of said real estate, which real estate is described as follows, to-wit:

An undivided one-third (1/3) interest in and into the following described real estate.

Commencing at the SW Cor. SE¼ SW¼ Sec. 12, T75N R27W of the 5th P. M., thence north 25 feet to the P. O. B., thence east 1324.39 feet, thence N89_ 54'E 1327.37 feet, thence north 25 feet, thence S89_54'W 754 feet, thence S0_06'E 17 feet, thence S89_54' W 279 feet, thence N0_06'W 12 feet, thence S89_54'W 294.37 feet, thence west 1324.39 feet, thence south 20 feet to the P.O.B., containing 1.23 acres, more or less.

Note: The south line of the SE¼ SW¼ is assumed to bear due East and 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 27th day of July, 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, IOWA
By Emery L. Goodenberger County Attorney
in and for Madison County, Iowa.

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

The within notice received this 14th day of July, 1959, 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:

Nameof Defendant	Month	Day	Year	Township	County	State
Florence E. Frey	7	15	59	Scott	Madison	Iowa

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

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 publice 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 thereof.

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

Merrill Creger	Claude Shearer	Ward Wight
Alf Danforth	Howard Lull	Glenn Foster

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

JENKINS-FERGEMANN CO., WATERLOO, IOWA-99067

Madison County, Iowa, and described as set out in said Exhibit "A", a part hereof.

Dated at Winterset, Madison County, Iowa, this 20th day of July, 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 20th day of July, 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., 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 alike or similar question; that he will to the best of his ability faithfully and impartially assess said damages and make written report to the Sheriff, as proveded by law.

Glenn Foster	Ward Wight	Merrill Creger
Claude N. Shearer	Alf. D. Danforth	Howard Lull

Subscribed and sworn to before me by all and each of the foregoing named individuals, in my presence this 27th day of July, 1959.

(DISTRICT COURT SEAL)

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

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

JENKINS-FERGEMANN CO., WATERLOO, IOWA-99067

	Place of Residence	Post Office Address
The Owner: Florence E. Frey	Winterset, Iowa	Winterset, Iowa
Owner's Spouse: Homer A. Frey	Winterset, Iowa	Winterset, Iowa

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 - - day of July, 1959.

MADISON COUNTY, IOWA
By - - - County Attorney
in and for Madison County, Iowa.

EXHIBIT "A"

Description of real estate belonging to Florence E. Frey, and being the subject matter of this condemnation proceeding:

An undivided one-third (1/3) interest in and into the following described real estate.

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Note: The south line of the SE¼ SW¼ is assumed to bear due East and West.

PROPERTY PLAT

Acquired from Florence E. Frey Married or Single Married

R.O.W. Area 1.23 Acres Borrow Area - - Acres Total Consideration $ - -

Acquired by - - - - Date of Contract - - 19 -

LOCATION

From CL Station 277+57.24 to CL Station 304+09 Section 12,

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

FOR COPY OF PLAT AS SHOWN ON FILED INSTRUMENT

SEE EXHIBIT "B" RECORDED IN DEED RECORD 89, PAGE 457

Madison County Project No. S-299(4)

PLAT OFFARM

Of Florence E. Frey Area 80 Acres Sta. 277+57.24 to Sta. 304+09.

Section 12 T 75 N-R 27 W

FOR COPY OF PLAT AS SHOWN ON FILED INSTRUMENT

SEE PLAT RECORDED IN DEED RECORD 89, PAGE 458.

Madison County Project No. S-299(4)

INFORMATION FOR CONDEMNATION PROCEEDINGS

County Madison
Project S-299(4)

OWNER OF RECORD			
Florence E. Frey	Name	Winterset, Iowa	Address
Spouses Homer A. Frey	Name	Winterset, Iowa	Address
Occupant of the Land			
Homer A. and Florence E. Frey	Name	Winterset, Iowa	Address

Is tenant a member of the family of the property owner Yes Has old road been regularly established Yes Has tenant signed crop contract form No. 676 - -

Recorded in Book A, Page 261 Width 66' - Reduced to 50' 4-112 LIENS: None

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

Old Fencing 161 rods. Total amount offered $ - -

JENKINS-FERGEMANN CO., WATERLOO, IOWA-99067

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

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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, Alf Danforth, Claude Shearer, Howard Lull, Ward Wight, Glenn Foster.

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 Florence E. Frey and located in Section 12, 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, Xxxx

JENKINS-FERGEMANN CO., WATERLOO, IOWA-99067

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:

	Place of Residence	Post Office Address
The Owner: Florence E. Frey	Winterset, Iowa	Winterset, Iowa
Owner's Spouse: Homer A. Frey	Winterset, Iowa	Winterset, Iowa

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 - - day of July, 1959.

MADISON COUNTY, IOWA
By - - - - - County Attorney
in and for Madison County, Iowa

EXHIBIT "A"

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An undivided one-third (1/3) interest in and into the following described real estate.

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Note: The south line of the SE¼ SW¼ is assumed to bear due East and West.

PROPERTY PLAT

Acquired From Florence E. Frey — Married or Single Married

R.O.W. Area 1.23 Acres. — Borrow Area - - - Acres.

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

LOCATION

From CL Station 277+57.24 — to CL Station 304+09 — Section 12

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

FOR COPY OF PLAT AS SHOWN ON FILED INSTRUMENT

SEE EXHIBIT "B" RECORDED IN DEED RECORD 89, PAGE 457.

Madison County — Project No. S-299(4)

PLAT OF FARM

Of Florence E. Frey — Area 80 Acres — Sta. 277+57.24 to Sta. 304+09.

JENKINS-FERGEMANN CO., WATERLOO, IOWA-99067

Section 12 T 75 N - R 27 W

FOR COPY OF PLAT AS SHOWN ON FILED INSTRUMENT

SEE PLAT RECORDED IN DEED RECORD 89, PAGE 458.

Madison County Project No. S-299(4)

INFORMATION FOR CONDEMNATION PROCEEDINGS County Madison
Project S-299(4)

OWNER OF RECORD
Florence E. Frey Name Winterset, Iowa Address
Spouses Homer A. Frey Name Winterset, Iowa Address
Occupant of the Land Homer A. and Florence E. Frey Name Winterset, Iowa Address

Is tenant a member of the family of the property owner Yes Has old road been re-

gularly established Yes Has tenant signed crop contract form No 676 - -

Recorded in Book A, Page 261 Width 66'-Reduced to 50' 4-112 LIENS: None

New Fencing - - Rods. Total Amount asked $ - - -

Old Fencing 161 Rods. Total Amount offered $ - -

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

An undivided one-third (1/3) interest in and into the following described real estate.

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Note: The south line of the SE¼ SW¼ 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) REPORT OF COMMISSIONERS

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

The undersigned, Commissioners, appointed by you by Order of Appointment dated the 20th day of July, 1959, to inspect the real estate hereinafter described and assess the damages which the owner and the parties interested therein are sustaining by reason of the Condemnation and Appropriation thereof, for the use of Madison County, Iowa, as stated in the Application for Condemnation of Property, filed with you the 14th day of July, 1959, do hereby make report that upon due notice we met upon said premises, viewed and inspected the same on the 27th day of July, 1959, at 10:30 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:

An undivided one-third (1/3) interest in and into the following described real estate.

Commencing at the SW Cor. SE¼ SW¼ Sec. 12, T75N R27W of the 5th P. M., thence north 25 feet to the P.O.B., thence east 1324.39 feet, thence N89°54'E 1327.37 feet, thence north 25 feet, thence S89°54'W 754 feet, thence S0°06'E 17 feet, thence S89°54'W 279 feet, thence N0°06' W 12 feet, thence S89°54'W 294.37 feet, thence west 1324.39 feet, thence south 20 feet to the P.O.B., containing 1.23 acres, more or less.

Note: The south line of the SE¼ SW¼ is assumed to bear due East and West.

To: Florence E. Frey $ 203.50

We further report that the costs of said assessments are as follows:

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

APPRAISER'S FEES:

Claude N. Shearer $ - -
Glenn Foster $ - -
Ward Wight $ - -
Howard Lull $ - -
Alf D. Danforth $ - -
Merrill Creger $ - -

JENKINS-FERGEMANN CO., WATERLOO, IOWA-99067

Award accepted 7-28-59 RRR

All fees charged on Ethel Brown condemnation.

STATE OF IOWA MADISON COUNTY) ss.

We, the undersigned, being each duly sworn, on oath depose and state: That we are the six Commissioners appointed by the Sheriff of Madison County, Iowa, to appraise and assess the damages in connection with the Condemnation of certain real estate by Madison County, Iowa,said real estate being described in the within and foregoing Report, said real estate being condemned for road purposes, and that we have viewed the premises involved herein and have appraised and assessed said damages and that the above and foregoing Report contains the assessment of damages as made by us as such Commissioners, and that in making such assessment, we have to the best of our ability, faithfully and impartially assessed such damages, all of which is true and correct as we verily believe.

Claude N. Shearer	Ward Wight	Alf D. Danforth
Glenn Foster	Howard Lull	Merrill Creger

Subscribed and sworn to before me by the above named individuals this 27th day of July, 1959.

COMPARED

Rex Rouse Sheriff
in and for Madison County, Iowa.