JENKINS-FERGEMANN CO., WATERLOO, IOWA—99057

Emerson Eyerly, #455 Filed for record the 18 day of January
By Madison County Sheriff A. D. 1960 at 4:30 o'clock P. M.
To No Fee

Madison County, Iowa Mary E. Welty, Recorder

TRANSCRIPT OF CONDEMNATION

CERTIFICATE OF TRANSCRIPT

THE STATE OF IOWA, Madison County, ss.

I, Marguerite Morrissey Clerk of the District Court in and for said County, do hereby Certify that the attached is a full, true, and correct copy of NOTICE OF APPEAL FROM CONDEMNATION OF PROPERTY BY MADISON COUNTY, IOWA, ACKNOWLEDGMENT OF SERVICE, TRANSCRIPT OF CONDEMNATION PROCEEDINGS FROM SHERIFF OF MADISON COUNTY, IOWA AND STATEMENT OF CLERK OF DISTRICT COURT". In Caude Entitled Emerson Eyerly, Plaintiff-vs-Madison County, Iowa, Law No. 18901, Madison County, Iowa District Court. as the same appears of record in my office.

WITNESS my hand and the Seal of said Court hereto affixed, at my office in Winterset, in said County, on this 23 day of December, 1959.

(DISTRICT COURT SEAL) Marguerite Morrissey, Clerk

JENKINS-FERGEMANN CO., WATERLOO, IOWA—99067

IN THE DISTRICT COURT OF IOWA IN AND FOR MADISON COUNTY

EMERSON EYERLY, Plaintiff, -vs- MADISON COUNTY, IOWA Defendant.

No. — Law

NOTICE OF APPEAL FROM CONDEMNATION OF PROPERTY BY MADISON COUNTY, IOWA.

RECEIVED 1959 JUN 9 PM 2:45
MADISON COUNTY SHERIFF WINTERSET, IOWA

FILED 1959 JUN 10 PM 4:13
MARGUERITE MORRISSEY, CLERK OF DISTRICT COURT, MADISON COUNTY, IOWA

TO: MADISON COUNTY, IOWA, Defendant.

YOU ARE HEREBY NOTIFIED that the undersigned, Emerson Eyerly, has appealed from the award of damages made by the commissioners appointed in connection with the condemnation proceedings against the following described real estate, to-wit:

> Commencing at the N½ Cor. Sec. 14, T75N R27W of the 5th P. M., thence south 25 ft. to the P.O.B.; thence south 8 ft., thence west 273.5 ft., thence south 12 ft., thence west 2313.0 ft., thence north 20 ft., thence east 2586.5 ft. to the P.O.B., containing 1.11 acres, more or less, exclusive of the present established roadway.

by Madison County, Iowa, Defendant, said award being dated May 14, 1959, and filed with the Sheriff of Madison County, Iowa, on said date.

YOU ARE FURTHER NOTIFIED that said appeal will come on for hearing at the October 1959 term of the District Court of the State of Iowa, in and for Madison County, which term will commence and be held at the Courthouse in Winterset, Madison County, Iowa, on the 6 day of October, 1959, and that on or before the first day of said term of Court, a written petition will be filed by the Plaintiff stating specifically the items of Plaintiff's damages on account of taking of said real estate by the Defendant, Madison County, Iowa.

EMERSON EYERLY, Plaintiff
By Webster & Frederick
Webster & Frederick
Farmers & Merchants State Bank Bldg.
Winterset, Iowa Attorneys for Plaintiff.

ACKNOWLEDGEMENT OF SERVICE

I, Rex Rouse, Sheriff of Madison County, Iowa, hereby acknowledge service of the within and foregoing Original Notice.

Dated at Winterset, Iowa, this 9th day of June, 1959.

- - -
Rex Rouse, Sheriff of Madison County, Iowa.

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

REPORT OF COMMISSIONERS

FILED 1959 JUNE 10 PM 4:14
MARGUERITE MORRISSEY CLERK OF DISTRICT COURT MADISON COUNTY, IOWA

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 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 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:

JENKINS-FERGEMANN CO., WATERLOO, IOWA-99067

Commencing at the N¼ Cor. Sec. 14, T75N R27W of the 5th P.M., thence south 25 ft. to the P.O.B.; thence south 8 ft., thence west 273.5 ft., thence south 12 ft., thence west 2313.0 ft., thence north 20 ft., thence east 2586.5 ft. to the P.O.B., containing 1.11 acres, more or less, exclusive of the present established roadway.

To Emerson Eyerly $568.50

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

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

APPRAISER'S FEES:

Dale Niblo	$ - -	
R. E. Spera	$ - -	All Commissioner's fees
Ray Witt	$ - -	charged on William C.
Claude N. Shearer	$ - -	Johnson Condemnation.
Alf D. Danforth	$ - -	
C. G. Crow	$ - -	All fees paid- Rex Rouse 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) NOTICE OF CONDEMNATION OF PROPERTY BY MADISON COUNTY, IOWA

TO: EMERSON EYERLY:

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 N¼ Cor. Sec. 14, T75N R27W of the 5th P.M., thence South 25 ft. to the P.O.B.; thence south 8 ft., thence west 273.5 ft., thence south 12 ft., thence west 2313.0 ft., thence north 20 ft., thence east 2586.5 ft. to the P.O.B., containing 1.11 acres, more or less, exclusive of the present established roadway.

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 10:00 o'clock A.M. view said premises and proceed to appraise said damages, at which time you may appear before the Commissioners, if you care to do so.

MADISON COUNTY, APPLICANT
By 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 1st day of May 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:

Name of Defendant	Month	Day	Year	Township	County	State
Emerson Eyerly	5	2	59	Scott	Madison	Iowa

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

Rex Rouse, Sheriff
Official Title

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 Emerson Eyerly and located in Section 14, 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 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 10:00 o'clock A. M., and that you are now and hereby notified that you are required to proceed with the appraisement of damages in connection with the condemnation of said real estate at the time and date so stated.

YOU ARE FURTHER NOTIFIED that the real estate 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 — Claude N. Shearer — Ray Witt
R. E. Spera — C. G. Crow — Dale Niblo

SERVICE: $3.25

Rex Rouse 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) 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 14, 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, and 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 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: Emerson Eyerly	Winterset, Iowa	Winterset, Iowa

AND WHEREAS, it is the intention of Madison County to condemn the fence on said premises only for the purpose of building a road where the same now exists, and said county will make no claim to said fence after condemnation provided the owner removes or causes the same to be removed not later than May 24, 1959.

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 Emerson Eyerly, and being the subject matter of this condemnation proceeding:

Commencing at the N¼ Cor. Sec. 14, T75N R27W of the 5th P. M., thence south 25 ft. to the P.O.B.; thence south 8 ft., thence west 273.5 ft., thence south 12 ft., thence west 2313.0 ft., thence north 20 ft., thence east 2586.5 ft. to the P.O.B., containing 1.11 acres, more or less, exclusive of the present established roadway.

PROPERTY PLAT

Acquired from Emerson Eyerly Married or Single Single

R.O.W. Area 1.11 Acres Borrow area - - Acres. Total Consideration $ -

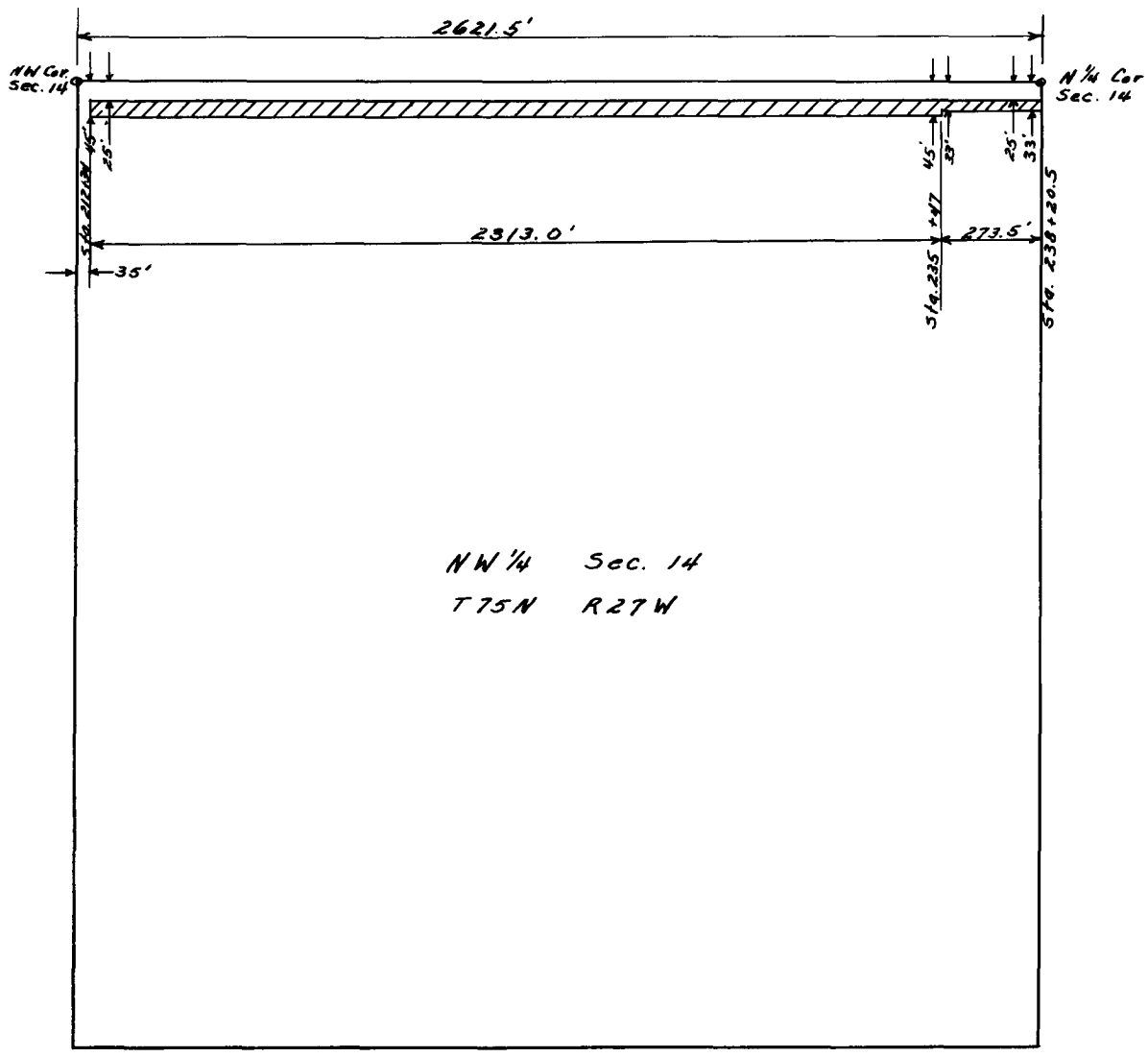
Acquired by Condemnation Date of Contract - - 19-

LOCATION

From CL Station 212+34 to CL Station 238+20.5 Section 14,

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

JENKINS-FERGEMANN CO., WATERLOO, IOWA-99067

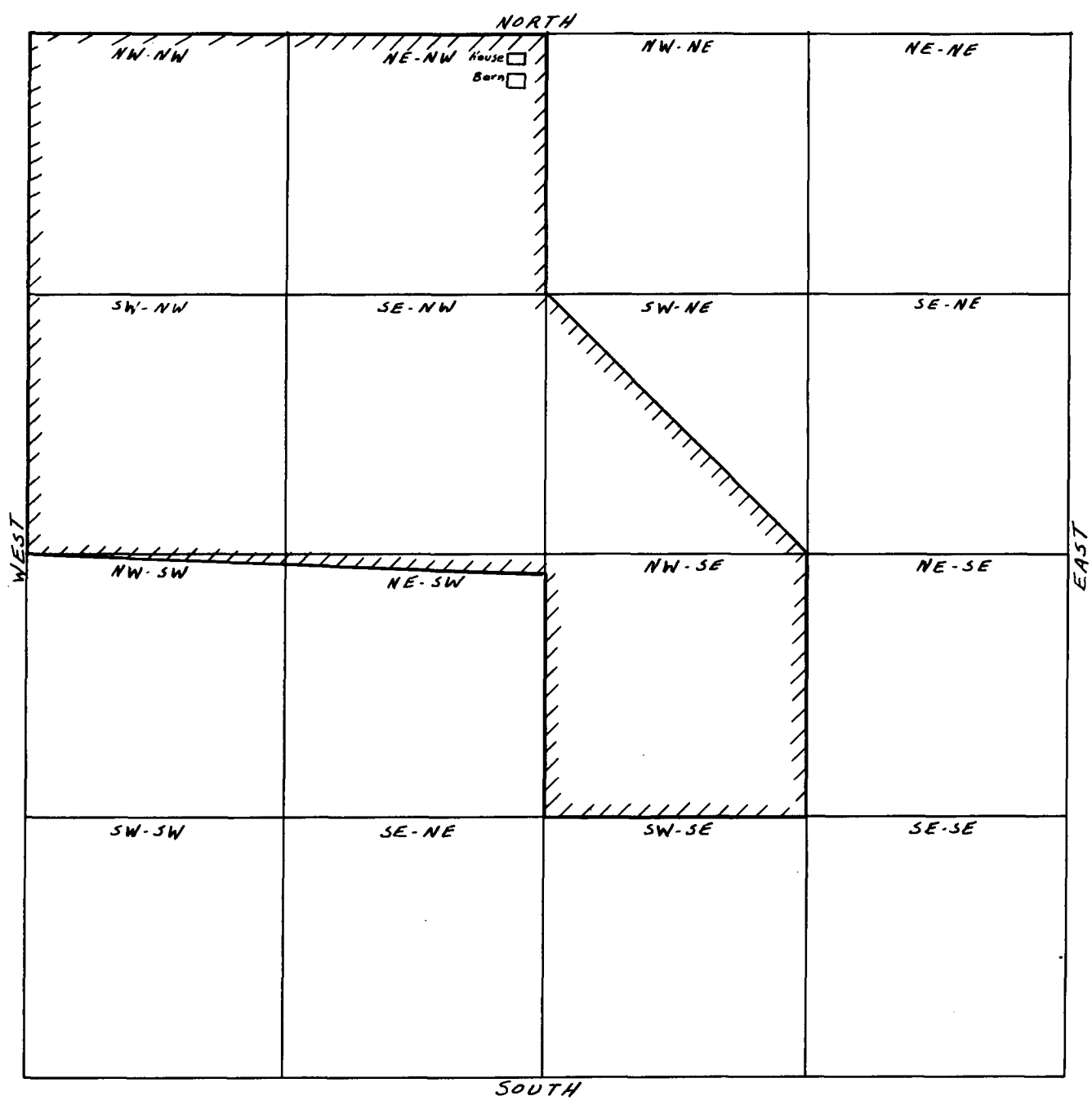


Madison County Project No. S-299(4) Exhibit "B"

PLAT OF FARM

Of Emerson Eyerly Area 2.22 Acres Sta. 211+98.9 to Sta. 238+20.5

Section 14 T 75N - R 27 W



Madison County Project No. S-299(4)

JENKINS-FERGEMANN CO., WATERLOO, IOWA-99067

INFORMATION FOR CONDEMNATION PROCEEDINGS

County Madison
Project No. S-299

OWNER OR RECORD
Emerson Eyerly Winterset, Iowa Address

Spouses None

Occupant of the Land Emerson Eyerly Winterset, 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 A Page 261 Width 66'-Reduced to 50' -4-112 LIENS: None New Fencing - - rods.

Total amount asked $ - - Old Fencing 157 rods. Total amount offered $ 303.00

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

Commencing at the N½ Cor. Sec. 14, T75N R27W of the 5th P. M., thence south 25 feet to the P.O.B.; thence south 8 ft., thence west 273.5 ft., thence south 12 ft., thence west 2313.0 ft., thence north 20 ft., thence east 2586.5 ft., to the P.O.B.; containing 1.11 acres, more or less, exclusive of the present established roadway.

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, and 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 14, 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 a like 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 provided by law.

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

Subscribed and sworn to before me by all and each of the foregoing named individuals,

JENKINS-FERGEMANN CO., WATERLOO, IOWA-99067

in my presence this 14th day of May, 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 14, 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, and 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: Emerson Eyerly	Winterset, Iowa	Winterset, Iowa

AND WHEREAS, it is the intention of Madison County to condemn the fence on said premises only for the purpose of building a road where the same now exists, and said county will make no claim to said fence after condemnation provided the owner removes or causes the same to be removed not later than May 24, 1959.

NOW, THEREFORE, this Applicant, Madison County, Iowa, requests that you appoint six disinterested freeholders of Madison County, Iowa, who are not interest 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 Emerson Eyerly, and being the subject matter of this condemnation proceeding:

JENKINS-FERGEMANN CO., WATERLOO, IOWA-99067

Commencing at the N¼ Cor. Sec. 14, T75N R27W of the 5th P. M., thence south 25 ft. to the P.O.B.; thence south 8 ft., thence west 273.5 ft., thence south 12 ft., thence west 2313.0 ft., thence north 20 ft., thence east 2586.5 ft. to the P.O.B., containing 1.11 acres, more or less, exclusive of the present established roadway.

Property Plat

Acquired from Emerson Eyerly Married or Single Single R.O.W. 1.11 Acres

Borrow Area - - Acres. Total Consideration $ - -

Acquired by Condemnation Date of Contract - - 19-

Location

From CL Station 212+34 to CL Station 238+20.5 Section 14, Township 75N, Range 27 W Township (Civil) Scott Iowa.

FOR COPY OF PLAT AS SHOWN ON FILED INSTRUMENT
SEE PLAT RECORDED IN DEED RECORD 89, PAGE 603.

Madison County Project No. S-299(4)

Plat of Farm

Of Emerson Eyerly Area 2.22 Acres Sta. 211+98.9 To Sta. 238+20.5

Section 14 T 75 N - R 27 W

FOR COPY OF PLAT AS SHOWN ON FILED INSTRUMENT
SEE PLAT RECORDED IN DEED RECORD 89, PAGE 603
Madison County Project No. S-299(4)

INFORMATION FOR CONDEMNATION PROCEEDINGS County Madison
Project S-299

OWNER OF RECORD
Emerson Eyerly Winterset, Iowa Address

Spouses None

Occupant of the Land Emerson Eyerly Winterset, 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 A, Page 261 Width 66' - Reduced to 50' - 4-112 LIENS: None

New Fencing - - rods. Old Fencing 157 rods. Total amount asked $ - -

Total amount offered $303.00

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

Commencing at the N¼ Cor. Sec. 14, T75N R27 W of the 5th P.M., thence south 25 feet to the P.O.B.; thence south 8 ft., thence west 273.5 ft., thence south 12 ft., thence west 2313.0 ft., thence north 20 ft., thence east 2586.5 ft., to the P.O.B.; containing 1.11 acres, more or less, exclusive of the present established roadway.

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 14, 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

JENKINS-FERGEMANN CO., WATERLOO, IOWA-99087

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, and 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: Emerson Eyerly	Winterset, Iowa	Winterset, Iowa

AND WHEREAS, it is the intention of Madison County to condemn the fence on said premises only for the purpose of building a road where the same now exists, and said county will make no claim to said fence after condemnation provided the owner removes or causes the same to be removed not later than May 24, 1959.

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 Emerson Eyerly, and being the subject matter of this condemnation proceeding:

Commencing at the N¼ Cor. Sec. 14, T75N R27W of the 5th P. M., thence south 25 ft. to the P.O.B.; thence south 8 ft., thence west 273.5 ft., thence south 12 ft., thence west 2313.0 ft., thence north 20 ft., thence east 2586.5 ft. to the P.O.B., containing 1.11 acres, more or less, exclusive of the present established roadway.

PROPERTY PLAT

Acquired from Emerson Eyerly Married or Single Single R.O.W. Area 1.11 Acres

Borrow Area - - Acres. Total Consideration $- - Acquired by Condemnation

Date of Contract - - 19 -.

LOCATION

From CL Station 212+34 to CL Station 238+20.5 Section 14

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

FOR COPY OF PLAT AS SHOWN ON FILED INSTRUMENT

SEE PLAT RECORDED IN DEED RECORD 89, PAGE 603

Madison County Project No. S-299(4)

PLAT OF FARM

Of Emerson Eyerly Area 2.22 Acres. Sta. 211+98.9 To Sta. 238+20.5

Section 14 T 75 N-R 27 W

JENKINS-FERGEMANN CO., WATERLOO, IOWA-99067

FOR COPY OF PLAT AS SHOWN ON FILED INSTRUMENT

SEE PLAT RECORDED IN DEED RECORD 89, PAGE 603

Madison County Project No. S-299(4)

INFORMATION FOR CONDEMNATION PROCEEDINGS

County Madison
Project S-299

OWNER OF RECORD Emerson Eyerly Winterset, Iowa Address

Spouses None Occupant of the Land Emerson Eyerly Winterset, 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 A, Page 261 Width 66' - Reduced to 50' -4-112 LIENS: None

New Fencing - - rods.
Old Fencing 157 rods.

Total amount asked $ - -
Total amount offered $303.00

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

Commencing at the N½ Cor. Sec. 14, T75N R27W of the 5th P.M., thence south 25 ft. to the P.O.B.; thence south 8 ft., thence west 273.5 ft., thence south 12 ft., thence west 2313.0 ft., thence north 20 ft., thence east 2586.5 ft. to the P.O.B., containing 1.11 acres, more or less, exclusive of the present established roadway.

IN THE DISTRICT COURT OF IOWA IN AND FOR MADISON COUNTY

EMERSON EYERLY, Plaintiff, -vs- MADISON COUNTY, IOWA Defendant.	)	No. 18901 Law
	)	STATEMENT

THE STATE OF IOWA, Madison County, ss:

I, Marguerite Morrissey, Clerk of the District Court in and for said County, do hereby certify that I received no money for damages in the above referred to cause, but on November 9, 1959, Shirley A. Webster, Attorney for Emerson Eyerly, dismissed this action without prejudice on the District Court Docket No. 36 at Page 219, and on December 1, 1959, Emerson Eyerly receipted on the District Court Docket for Award Check No. 33-59 from the Sheriff of Madison County, Iowa in the Amount of $568.50.

Witness my hand and the Seal of said Court hereto affixed, at my office in Winterset, in said County, on this 23 day of December, 1959.

(DISTRICT COURT SEAL) COMPARED Marguerite Morrissey Clerk of the District Court.