Ralph D. Minard et al
By Rex Rouse, Sheriff
To
State of Iowa

#2811

Fee $5.00 - (collected in 1958 - see page 600)

Filed for record the 9 day of August A. D. 1957 at 4:30 o'clock P. M.

Mary E. Welty, Recorder

CONDEMNATION PROCEEDINGS

IN THE MATTER OF THE CONDEMNATION OF CERTAIN LAND BY THE IOWA STATE HIGHWAY COMMISSION FOR THE USE AND BENEFIT OF THE STATE OF IOWA IN THE IMPROVEMENT OF PRIMARY ROAD NO. 400 EAST OF TRURO, IOWA LOCATED IN MADISON COUNTY. PROJECT NO. FN-345	APPLICATION TO THE SHERIFF FOR THE APPOINTMENT OF A COMMISSION TO APPRAISE DAMAGES.

TO: Rex Rouse Sheriff of Madison County, Iowa.

Comes now the Iowa State Highway Commission and states that the public interest requires that the State of Iowa acquire certain land, hereinafter described, by condemnation proceedings, as authorized and provided by law.

The lands affected and the record owners, lienholders, encumbrancers and other persons interested therein, are as follows:

SE¼ SE¼ and NE¼ SE¼ of Sec. 12, T74N, R26W of the 5th P.M., Madison County, Iowa.

Ralph D. Minard, Morristown College, Morristown, Tennessee	Owner
Everil Minard	Spouse
Union State Bank, Winterset, Winterset, Iowa	Mortgagee

The land sought to be appropriated is described as follows:

A parcel of land located in the NE¼ SE¼ of Section 12, T74N, R26W of the 5th P. M., Madison County, Iowa, lying on both sides of part of the following described centerline of Primary Road No. 400 as shown on Official plans for Project FN-345.

The centerline, designated by station points 100 feet apart, numbered consecutively from west to east, is described as follows: Beginning at Station 213+21.0, a point 46.3 ft. south of the E¼ corner of said Section 12, thence westerly 88.6 ft. along a 11,896.1 ft. radius curve, concave southerly and tangent to the following course, to Station 212+32.4, thence N87° 53'W 1238.4 ft. to Station 199+94, a point on the west line of said NE¼ SE¼.

Said parcel is described as follows: All that part said NE¼ SE¼ lying north of a line beginning at a point 45 ft. normally distant southerly from centerline on the west line of said NE¼ SE¼, thence to a point 45 ft. normally distant southerly from centerline on the present fence line through Station 201+61, thence to a point 60 ft. normally distant southerly from centerline on the present fence line through Station 203+15, thence to a point 60 ft. radially distant southerly from Station 212+32.4, thence concentric with centerline to a point 60 ft. radially distant southerly from centerline on the east line of said NE¼ SE¼.

Said parcel contains 1.16 acres, more or less, exclusive of present established road across the north side thereof.

Note: The straight line between the W¼ corner and the E¼ corner of said Section 12, is assumed to bear east and west.

In connection with this condemnation proceeding, it is specifically provided that all right of direct access between Primary Road No. 400 and condemnee's remaining property adjacent thereto are condemned, excepting and reserving to said condemnee field entrances at Station 201+70, on the south side, for agricultural purposes only, provided that if and when a frontage road is constructed, said entrances shall be connected to the frontage road only.

The land sought to be appropriated for the purpose of securing material for the improvement of said highway is described as follows:

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Bounded on the north by the proposed southerly right of way line; on the east by the east line of said NE¼ SE¼; on the south by a line 180 ft. normally or radially distant southerly of and parallel to or concentric with the above described centerline; on the west by a line normal to centerline through Station 206+00; containing 1.97 acres, more or less.

Excavation shall be taken to a depth no lower than 6 inches above proposed ditch grade at the new right of way line and shall slope up from there on not less than a ±0.25% grade to intersect with a 5 to 1 backslope at back edge of borrow area.

The floor of the borrow area shall be left bladed smooth upon completion.

It is specifically provided that the portions of said tracts condemned for the purpose of securing material for the improvement of said highway shall revert to the owner thereof.

PLAT OF LAND SOUGHT TO BE APPROPRIATED

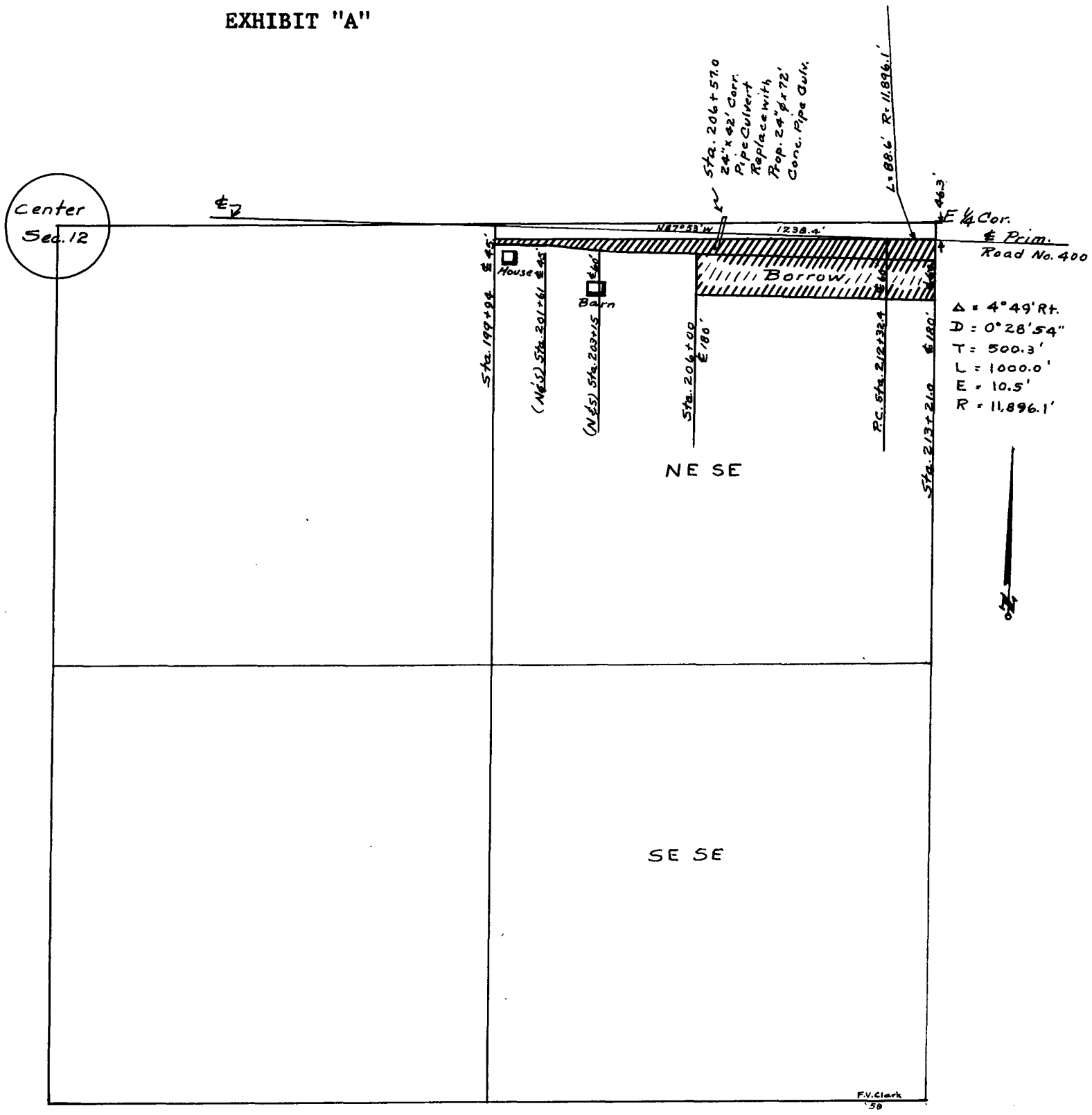
OWNERS: Ralph D. Minard R.O.W. AREA 1.16 ACRES BORROW AREA 197 ACRES

LOCATION

FROM CL STA. 199+94 TO CL STA. 213+21.0

Section 12 Twp 74N Range 26W CIVIL TOWNSHIP Ohio IOWA.

EXHIBIT "A"



MADISON COUNTY PROJECT NO. FN-345

and is shown with reference to its location as to lands affected by the cross-hatched part of the plat hereto attached, marked Exhibit "A" and made a part hereof.

The State of Iowa desires the fee title to the land herein sought to be condemned for Primary Road right-of-way, and/or for the purpose of obtaining and removing therefrom, material suitable for the improvement and/or the maintenance of the Primary Roads of the State of Iowa.

The State of Iowa and the Iowa State Highway Commission as the agency used by the State of Iowa for the improvement of its Primary roads has been unable to secure the above described lands by purchase and conveyance.

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Now Therefore, the Iowa State Highway Commission hereby requests the appointment of a commission of six freeholders of the state of Iowa, not interested in the same or a like question, to view said premises and appraise the damages which the owners thereof, lienholders, encumbrancers, or other persons interested therein, will sustain by reason of the appropriation of the land herein sought to be condemned, for the purposes herein stated, and make their report in writing to you as provided by law.

Dated at Ames, Iowa, this 28 day of May, 1957.

IOWA STATE HIGHWAY COMMISSION,
By Norman A. Erbe, Attorney General.
By C. J. Lyman Special Assistant Attorney-General
and Counsel to the Iowa State Highway Commission

Filed in my office at Winterset, Iowa, this 29 day of May, A.D. 1957.

Sheriff of Madison County, Iowa
Rex Rouse

IN THE MATTER OF THE CONDEMNATION OF CERTAIN LAND BY THE IOWA STATE HIGHWAY COMMISSION FOR THE USE AND BENEFIT OF THE STATE OF IOWA IN THE IMPROVEMENT OF PRIMARY ROAD NO. 400 EAST OF TRURO, IOWA LOCATED IN MADISON COUNTY. PROJECT NO. FN-345) NOTICE

TO: Ralph D. Minard, Morristown College, Morristown, Tennessee — Owner

Everil Minard — Spouse

Union State Bank, Winterset, Winterset, Iowa — Mortgagee

and to - lienholders or encumbrancers; and to all other persons, companies or corporations having any interest in or owning any of the following described real estate:

SE¼ SE¼ and NE¼ SE¼ of Sec. 12, T74N, R26W of the 5th P.M., Madison County, Iowa.

The land sought to be appropriated is described as follows:

A parcel of land located in the NE¼ SE¼ of Section 12, T74N, R26W of the 5th P.M., Madison County, Iowa, lying on both sides of part of the following described centerline of Primary Road No. 400 as shown on Official plans for Project FN-345.

The centerline, designated by station points 100 feet apart, numbered consecutively from west to east, is described as follows: Beginning at Station 213+21.0, a point 46.3 ft. south of the E¼ corner of said Section 12, thence westerly 88.6 ft. along a 11,896.1 ft. radius curve, concave southerly and tangent to the following course, to Station 212+32.4, thence N87° 53'W 1238.4 ft. to Station 199+94, a point on the west line of said NE¼ SE¼.

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Note: The straight line between the W¼ corner and the E¼ corner of said Section 12, is assumed to bear east and west.

In connection with this condemnation proceeding, it is specifically provided that all right of direct access between Primary Road No. 400 and condemnee's remaining property adjacent thereto are condemned, excepting and reserving to said condemnee field entrances at Station 201+70, on the south side, for agricultural purposes only, provided that if and when a frontage road is constructed, said entrances shall be connected to the frontage road only.

The land sought to be appropriated for the purpose of securing material for the improvement of said highway is described as follows:

Bounded on the north by the proposed southerly right of way line; on the east by the east line of said NE¼ SE¼; on the south by a line 180 ft. normally or radially distant southerly of and parallel to or concentric with the above described centerline; on the west by a line normal to centerline through Station 206+00; containing 1.97 acres, more or less.

Excavation shall be taken to a depth no lower than 6 inches above proposed ditch grade at the new right of way line and shall slope up from there on not less than a ±0.25% grade to intersect with a

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5 to 1 backslope at back edge of borrow area.

The floor of the borrow area shall be left bladed smooth upon completion.

It is specifically provided that the portions of said tracts condemned for the purpose of securing material for the improvement of said highway shall revert to the owner thereof.

which is shown in cross-hatched part of the plat Exhibit "A" attached to the application filed herein, to which you are referred.

That the appropriation of the fee title to said land is sought by condemnation proceedings for Primary Road right-of-way, and/or for the purpose of obtaining suitable material with which to improve or maintain Primary Roads of the State of Iowa in the manner prescribed in Chapters 306, 471 and 472 of the 1954 Code of Iowa and any amendments thereto and Chapter 148, Acts 56th G.A. (1955) and any amendments thereto.

That a commission for the purpose of appraising and awarding damages which will be caused by said appropriation and condemnation, has been selected and appointed as by law provided.

You are further notified that said commissioners will on the 9th day of July, 1957, at 10:00 o'clock, A.M. view said premises and proceed to appraise said damages, at which time you may appear before said commissioners if you care so to do.

IOWA STATE HIGHWAY COMMISSION.
By Norman A. Erbe Attorney General
By C. J. Lyman Special Assistant Attorney General and Counsel to the Iowa State Highway Commission

ACCEPTANCE OF SERVICE

Service of the above and foregoing notice is hereby accepted and receipt of a copy thereof acknowledged, and I hereby waive time of service and/or any publication of such notice in a newspaper.

Signed at - this - day of - 19-.

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State of Iowa, Madison County, ss:

Received the within notice the 5th day of June, 1957, and I hereby certify that I have served the same on the persons named below, by delivering a true copy of the same to each of said persons at the time and place set opposite there respective names:

Name	Month	Day	Year	Township, City or Town	County	State
Ralph D. Minard	June	6	1957	Ohio	Madison	Iowa
Everil Minard	June	6	1957	Ohio	Madison	Iowa

Rex Rouse Sheriff
of Madison county, Iowa.
By - - Deputy

Fees:
Service $ 1.75
Mileage $ - --
Total $ - --

The within notice received this 5th day of June, 1957, and I certify that on the 7th day of June, 1957, I served the same on the defendant, Union State Bank, Winterset, Winterset, Iowa, a corporation by delivering a copy thereof to H. L. Paull, a Vice-President, of said defendant, in the City of Winterset in Madison County, State of Iowa.

Rex Rouse
Sheriff, Madison County

AFFIDAVIT

IN THE MATTER OF THE CONDEMNATION OF CERTAIN LAND BY THE IOWA STATE HIGHWAY COMMISSION FOR THE USE AND BENEFIT OF THE STATE OF IOWA IN THE IMPROVEMENT OF PRIMARY ROAD NO. 400 EAST OF TRURO, IOWA LOCATED IN MADISON COUNTY.
PROJECT NO. FN-345

STATE OF IOWA COUNTY OF STORY) SS

I, C. J. Lyman, being duly sworn say that I am Attorney for the Iowa State Highway Commission in the above entitled matter and that personal service in said matter cannot be made within the State of Iowa upon the condemnees named below:

I further say that I have mailed copies of the Notice in this matter to the following condemnees at the time and place set opposite their respective names and that the place

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indicated is the last known mailing address of such condemnees.

NAME	ADDRESS	DATE
Ralph D. Minard	Morristown College Morristown, Tenn.	6-4-57
Ruth Hague	Kinsman, Ohio	6-4-57

C. J. Lyman

Subscribed and sworn to before me this 4th day of June, 1957.

NOTARIAL SEAL

(NOTARIAL SEAL)

Clara B. Fox Notary Public
in and for Story County, Iowa