W. H. Breeding and Grace Carman Breeding By Sheriff To State of Iowa

#3794

Fee $6.50

Filed for record the 12 day of July A. D. 1949 at 8:30 o'clock A. M. Wilma M. Wade, Recorder Mary E. Welty, Deputy
RECEIVED MAY 27 1949
SHERIFF'S OFFICE MADISON CO., IOWA

CONDEMNATION PROCEEDINGS

APPLICATION TO THE SHERIFF FOR THE APPOINTMENT OF A COMMISSION TO APPRAISE DAMAGES.

In the matter of the Condemnation of Certain Land by the Iowa State Highway Commission for the Use and benefit of the Public and Madison County in the Improvement of Farm-to-Market Road No. "E" West of St. Charles located in Madison County. Project No. ERS-24(6).

TO: Cecil A Letz Sheriff of Madison County, Iowa.

Comes now the Iowa State Highway Commission and states that the public interest required that Madison County 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:

Acres-Blackmar Co., Burlington. 48029

The SW 1/4 SW 1/4; NW 1/4 SW 1/4; SW 1/4 NW1/4; and parts of the following: NE 1/4 SW 1/4; SE 1/4 NW 1/4; NW 1/4 NW 1/4, all in Sec. 22, T75N, R26W of the 5th P.M., Madison County, Iowa.

W. H. Breeding	St. Charles, Iowa	Owner
Grace Carman Breeding	St. Charles, Iowa	Owner

The land sought to be appropriated is described as follows:

Commencing, as a point of reference, at the SW Cor. of Sec. 22, T75N, R26W of the 5th P.M., thence north 3943.6 ft. to center of road, thence N84° 51'E 499.4 ft., thence easterly 571.1 ft. along a 1910 ft. radius curve concave northerly and tangent to the preceding course, thence N 67° 43'E 232.9 ft. to the center of bridge, which is the point of beginning of land herein described: thence S 37°49½'E 102.0 ft., thence S 61°30.5'E 244.1 ft., thence S 53°05'E 111.8 ft., thence S 17°59'E 101.1 ft., thence S 15°12½'E 102.0 ft., thence S 22°28½'W 152.4 ft., thence S 12°31'W 95.3 ft., the last seven courses being along the centerline of Clanton Creek, thence S 63°29'W 40 ft., thence N 26°31'W 743.9 ft., thence S 67°43'W 195.2 ft., thence N 22°17'W 33 ft., thence N 67°43'E 232.9 ft. to the point of beginning containing 2.75 acres, more or less, exclusive of present road.
Madison County Project ERS 24 (6)

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.

Madison County desires the land herein sought to be condemned for Farm-to-Market 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 Farm-to-Market Roads of Madison County.

Madison County and the Iowa State Highway Commission as the agency used by Madison County for the improvement of its Farm-to-Market roads has been unable to secure the above described lands by purchase and conveyance.

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.

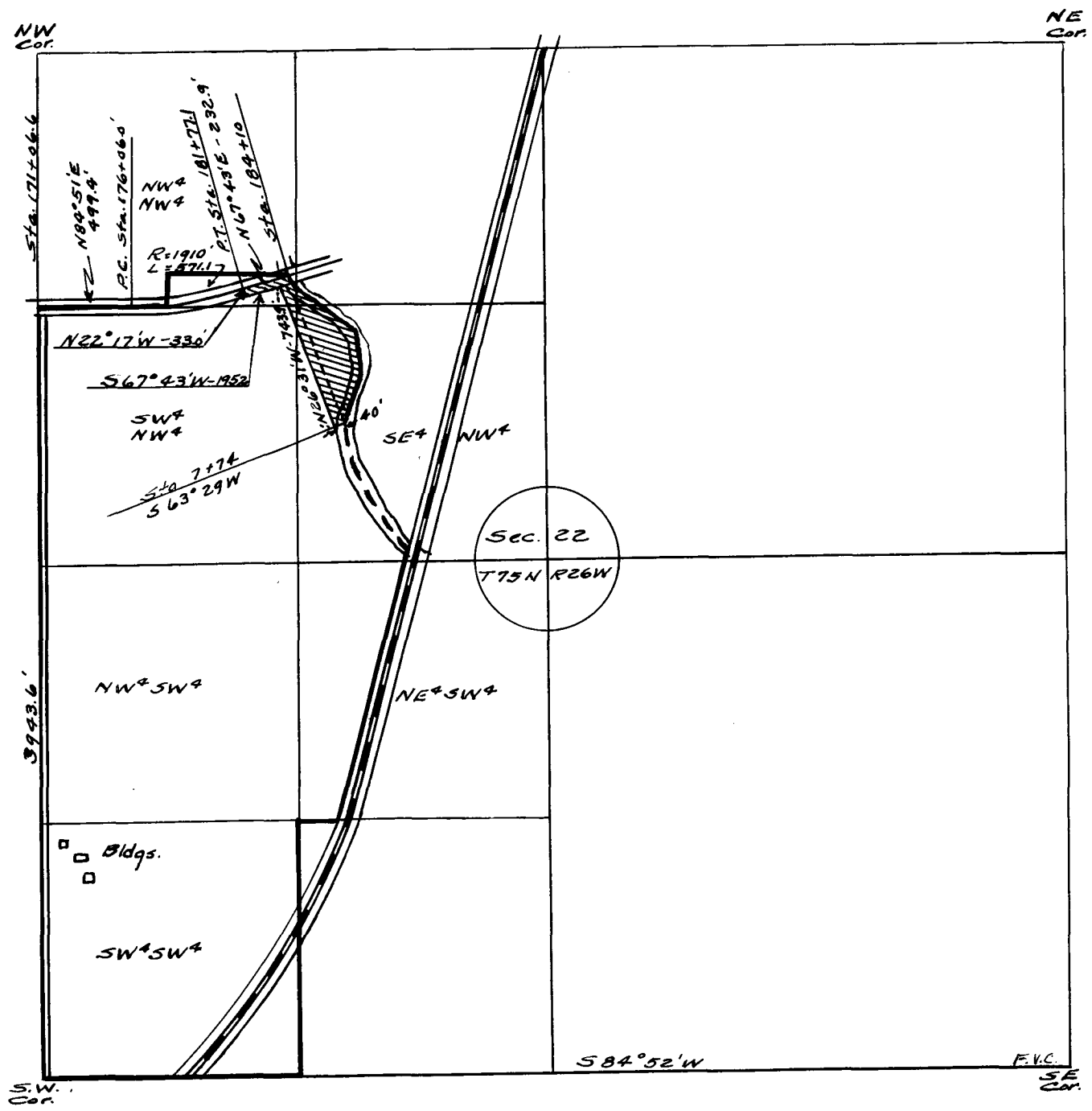
Dated at Ames, Iowa, this 26 day of May, 1949.

IOWA STATE HIGHWAY COMMISSION
By - ,Attorney General.
By Folsom Everest
Special Assistant Attorney General
and Counsel to the Iowa State
Highway Commission

Filed in my office in Winterset, Iowa, this 27th day of May, A. D. 1949 at 10:35 A.M.
Cecil A. Letz
Sheriff of Madison County, Iowa.

PLAT OF LAND
SOUGHT TO BE APPROPRIATED
AREA 2.75 ACRES
OWNERS:-W. H. BREEDING & GRACE CARMAN BREEDING
LOCATION
AT ℄ STA. 184+10 TO ℄ STA.
SECTION 22 TWP. 75N RANGE 26W
CIVIL TWP. South, COUNTY Madison, IOWA.

EXHIBIT "A"



MADISON COUNTY PROJECT NO. ERS-24-6

Folsom Everest O.K. JE
Special Assistant Attorney
General and Counsel to the
Iowa State Highway Commission
Lienholders

Madison ERS-24 (6)
Tenant

Property Owners
W. H. Breeding, St. Charles, Iowa.
Grace Carman Breeding, St. Charles, Iowa.

RECEIVED MAY 27 1949
SHERIFF'S OFFICE MADISON CO., IOWA

NOTICE TO THE CHIEF JUSTICE OF THE SUPREME COURT OF IOWA, and
REQUEST FOR THE APPOINTMENT OF COMMISSIONERS.

In the matter of the Condemnation of Certain Land by the Iowa State Highway Commission for the Use and Benefit of the Public and Madison County in the Improvement of Farm-to-Market Road No. "E" West of St. Charles located in Madison County. Project No. ERS-24(6)

TO THE HONORABLE Oscar Hale Chief Justice of the Supreme Court of Iowa:

You are hereby notified that an Application by the Iowa State Highway Commission for condemning certain lands for Farm-to-Market Road purposes in the above entitled matter has this day been filed in the office of the undersigned, and I hereby request you to select six persons to act as a condemnation commission to assess the damages which the owners of the land, lienholders, encumbrancers, and other persons interested therein, will sustain by reason of the appropriation of such land for the improvement of Farm-to-Market Roads as authorized, permitted and prescribed in Chapters 310, 471 & 472 of the 1946 Code of Iowa and any amendments thereto, and to make return to me of the name and place of residence of each person so selected and appointed by you.

Dated at Winterset, Iowa, this 27th day of May, A. D. 1949.

Cecil A. Letz Sheriff
of Madison County, Iowa.

Filed in my office this 27th day of May, 1949, at Winterset, Iowa.

Cecil A. Letz Sheriff
of Madison County, Iowa.

SELECTION AND APPOINTMENT OF CONDEMNATION COMMISSIONERS BY THE CHIEF JUSTICE.

In the matter of the Condemnation of Certain Land by the Iowa State Highway Commission for the Use and Benefit of the Public and Madison County in the Improvement of Farm-to-Market Road No. "E" West of St. Charles Located in Madison County. Project No. ERS-24(6).

Acres-Blackmar Co., Burlington. 48029

A request from Cecil A. Letz Sheriff of Madison County, Iowa, having this day been presented to me for the selection and appointment of six suitable persons as the law provides, to act as a condemnation commission to assess and appraise the damages sustained by reason of the appropriation or condemnation of certain land described by applicant in its application filed in the above entitled matter, I hereby designate, select and appoint as the members of said condemnation commission required in this matter, the following persons:

Name	Address	County
J. C. Hickman	Indianola	Warren
E. L. Garris	Osceola	Clark
John H. Warburton	Newton	Jasper
Bernard Johnson 405 East 5th St.,	Des Moines	Polk
Charles S. Johnson	Perry	Dallas
Maurice D. Cornish	Bagley	Guthrie

Attached hereto I return the Notice and request for such appointment in the above entitled matter. Dated at Des Moines, Iowa, this 31 day of May, 1949.

Oscar Hale Chief Justice
of the Supreme Court of Iowa.

Filed in my office this 2nd day of June, 1949, at Winterset, Iowa.

Cecil A. Letz Sheriff of Madison County, Iowa.

SUMMONS TO COMMISSIONERS

In the Matter of the Condemnation of Certain Land by the Iowa State Highway Commission for the Use and Benefit of the Public and Madison County in the Improvement of Farm-to-Market Road No. "E" West of St. Charles located in Madison County. Project No. ERS-24(6).

TO: Maurice D. Cornish, Bagley, Iowa.

Whereas, the Iowa State Highway Commission has filed in my office an application for the selection of a condemnation commission to assess the damages which owners, lienholders, encumbrancers and other persons interested in the premises sought to be appropriated in these proceedings will sustain by reason of such appropriation for the improvement and/or maintenance of Farm-to-Market Roads in Madison County and

Whereas, you have been selected and appointed by the Chief Justice of the Supreme Court of Iowa, as a member of such condemnation commission, and such selection and appointment has been duly filed in my office.

Now Therefore, you are commanded to be and appear before the undersigned in the office of the sheriff in the courthouse in Winterset, Madison County, State of Iowa, on the 14 day of June, 1949 at 10 o'clock A. M., for the purpose of qualifying as such commissioner, and proceed to view said premises and make an award of damages as by law provided, and fail not to make appearance under penalty of the law.

Cecil A. Letz Sheriff
of Madison County, Iowa.

ACCEPTANCE OF SERVICE

Due and legal service of the foregoing Summons accepted and receipt of copy acknowledged at Bagley, Iowa, this 11 day of June, A. D. 1949.

Maurice D. Cornish

Filed in my office at Winterset, Iowa, this 13th day of June, 1949.

Cecil A. Letz Sheriff
of Madison County, Iowa.

SUMMONS TO COMMISSIONERS

In the Matter of the Condemnation of Certain Land by the Iowa State Highway Commission for the Use and Benefit of the Public and Madison County in the Improvement of Farm-to-Market Road No. "E" West of St. Charles located in Madison County. Project No. ERS-24 (6).

TO: Bernard Johnson, 405 E. 5th Street, Des Moines, Iowa.

Whereas, the Iowa State Highway Commission has filed in my office an application for the selection of a condemnation commission to assess the damages which owners, lienholders, encumbrancers and other persons interested in the premises sought to be appropriated in these proceedings will sustain by reason of such appropriation for the improvement and/or maintenance of Farm-to-Market Roads in Madison County, and

Whereas, you have been selected and appointed by the Chief Justice of the Supreme Court

of Iowa, as a member of such condemnation commission, and such selection and appointment has been duly filed in my office,

Now Therefore, you are commanded to be and appear before the undersigned in the office of the sheriff in the courthouse in Winterset, Madison County, State of Iowa, on the 14th day of June, 1949, at 10 o'clock A. M., for the purpose of qualifying as such commissioner, and proceed to view said premises and make an award of damages as by law provided, and fail not to make appearance under penalty of the law.

Cecil A. Letz Sheriff
of Madison County, Iowa.

ACCEPTANCE OF SERVICE

Due and legal service of the foregoing Summons accepted and receipt of copy acknowledged at Des Moines, Iowa, this 9th day of June, A. D. 1949.

Bernard Johnson

Filed in my office at Winterset, Iowa, this 10th day of June, 1949.

Cecil A. Letz Sheriff
of Madison County, Iowa

SUMMONS TO COMMISSIONERS

In the Matter of the Condemnation of Certain Land by the Iowa State Highway Commission for the Use and Benefit of the Public and Madison County in the Improvement of Farm-to-Market Road No. "E" West of St. Charles located in Madison County. Project No. ERS-24(6).
TO: John H. Warburton, Newton, Iowa.

Whereas, the Iowa State Highway Commission has filed in my office an application for the selection of a condemnation commission to assess the damages which owners, lienholders, encumbrancers and other persons interested in the premises sought to be appropriated in these proceedings will sustain by reason of such appropriation for the improvement and/or maintenance of Farm-to-Market Roads in Madison County, and

Whereas, you have been selected and appointed by the Chief Justice of the Supreme Court of Iowa, as a member of such condemnation commission, and such selection and appointment has been duly filed in my office,

Now Therefore, you are commanded to be and appear before the undersigned in the office of the sheriff in the courthouse in Winterset, Madison County, State of Iowa, on the 14th day of June, 1949, at 10 o'clock A. M., for the purpose of qualifying as such commissioner, and proceed to view said premises and make an award of damages as by law provided, and fail not to make appearance under penalty of the law.

Cecil A. Letz Sheriff
of Madison County, Iowa.

ACCEPTANCE OF SERVICE

Due and legal service of the foregoing Summons accepted and receipt of copy acknowledged at Newton, Iowa, this 9 day of June, A. D. 1949.

J H Warburton

Filed in my office at Winterset, Iowa, this 10th day of June, 1949.

Cecil A. Letz Sheriff
of Madison County, Iowa

SUMMONS TO COMMISSIONERS

In the Matter of the Condemnation of Certain Land by the Iowa State Highway Commission for the Use and Benefit of the Public and Madison County in the Improvement of Farm-to-Market Road No. "E" West of St. Charles located in Madison County. Project No. ERS-24(6).
TO: E. L. Garris, Osceola, Iowa.

Whereas, the Iowa State Highway Commission has filed in my office an application for the selection of a condemnation commission to assess the damages which owners, lienholders, encumbrancers and other persons interested in the premises sought to be appropriated in these proceedings will sustain by reason of such appropriation for the improvement and/or maintenance of Farm-to-Market Roads in Madison County, and

Whereas, you have been selected and appointed by the Chief Justice of the Supreme Court of Iowa, as a member of such condemnation commission, and such selection and appointment

Acres-Blackmar Co., Burlington. 48029

has been duly filed in my office,

Now Therefore, you are commanded to be and appear before the undersigned in the office of the Sheriff in the courthouse in Winterset, Madison County, State of Iowa, on the 14th day of June, 1949, at 10 o'clock A. M., for the purpose of qualifying as such commissioner, and proceed to view said premises and make an award of damages as by law provided, and fail not to make appearance under penalty of the law.

Cecil A. Letz Sheriff
of Madison County, Iowa.

ACCEPTANCE OF SERVICE

Due and legal service of the foregoing Summons accepted and receipt of copy acknowledged at Osceola, Iowa, this 9th day of June, A. D. 1949. E L Garris

Filed in my office at Winterset, Iowa, this 10th day of June, 1949.

Cecil A. Letz Sheriff
of Madison County, Iowa

SUMMONS TO COMMISSIONERS

In the Matter of the Condemnation of Certain Land by the Iowa State Highway Commission for the Use and Benefit of the Public and Madison County in the Improvement of Farm-to-Market Road No. "E" West of St. Charles located in Madison County. Project No. ERS-24(6).
TO: Charles S. Johnson, Perry, Iowa.

Whereas, the Iowa State Highway Commission has filed in my office an application for the selection of a condemnation commission to assess the damages which owners, lienholders, encumbrancers and other persons interested in the premises sought to be appropriated in these proceedings will sustain by reason of such appropriation for the improvement and/or maintenance of Farm-to-Market Roads in Madison County, and

Whereas, you have been selected and appointed by the Chief Justice of the Supreme Court of Iowa, as a member of such condemnation commission, and such selection and appointment has been duly filed in my office,

Now Therefore, you are commanded to be and appear before the undersigned in the office of the sheriff in the courthouse in Winterset, Madison County, State of Iowa, on the 14 day of June, 1949, at 10 o'clock A. M., for the purpose of qualifying as such commissioner, and proceed to view said premises and make an award of damages as by law provided, and fail not to make appearance under penalty of the law.

Cecil A. Letz Sheriff
of Madison County, Iowa.

ACCEPTANCE OF SERVICE

Due and legal service of the foregoing Summons accepted and receipt of copy acknowledged at Perry, Iowa, this 10th day of June, A. D. 1949. Charles S. Johnson

Filed in my office at Winterset, Iowa, this 11th day of June, 1949.

Cecil A. Letz Sheriff
of Madison County, Iowa.

SUMMONS TO COMMISSIONERS

In the Matter of the Condemnation of Certain Land by the Iowa State Highway Commission for the Use and Benefit of the Public and Madison County in the Improvement of Farm-to-Market Road No. "E" West of St. Charles located in Madison County. Project No. ERS-24(6).
TO: Benj. Leitch, Indianola, Iowa.

Whereas, the Iowa State Highway Commission has filed in my office an application for the selection of a condemnation commission to assess the damages which owners, lienholders, encumbrancers and other persons interested in the premises sought to be appropriated in these proceedings will sustain by reason of such appropriation for the improvement and/or maintenance of Farm-to-Market Roads in Madison County, and

Whereas, you have been selected and appointed by the Chief Justice of the Supreme Court of Iowa, as a member of such condemnation commission, and such selection and appointment has been duly filed in my office.

Now Therefore, you are commanded to be and appear before the undersigned in the office of the sheriff in the courthouse in Winterset, Madison County, State of Iowa, on the 14th day

of June, 1949, at 10 o'clock A. M., for the purpose of qualifying as such commissioner, and proceed to view said premises and make an award of damages as by law provided, and fail not to make appearance under penalty of the law.

Cecil A. Letz Sheriff
of Madison County, Iowa.

ACCEPTANCE OF SERVICE

Due and legal service of the foregoing Summons accepted and receipt of copy acknowledged at - Iowa, this - day of - A. D. 19-. - -

Filed in my office at - Iowa, this - day of - 19-. - -
Sheriff of Madison County, Iowa

ORDER

In the Matter of the Condemnation of Certain Land by the Iowa State Highway Commission for the Use and Benefit of the Public and Madison County in the Improvement of Farm-to-Market Road No. "E" West of St. Charles - located in Madison County, Project ERS-24 (6).

Now on this 6th day of June, 1949, the above entitled matter was presented to the undersigned Chief Justice of the Supreme Court of Iowa who finds that Mr. Benj. Leitch of Indianola, Warren County, Iowa, one of the commissioners appointed in the above entitled matter will be unable to serve as such commissioner, due to illness, and therefore J. C. Hickman of Indianola, Warren County, Iowa, is hereby appointed to fill said vacancy and to act in said proceeding on the date of hearing, towit: June 14th, 1949.

Oscar Hale Chief Justice
of the Supreme Court of Iowa.

SUMMONS TO COMMISSIONERS

In the Matter of the Condemnation of Certain Land by the Iowa State Highway Commission for the Use and Benefit of the Public and Madison County in the Improvement of Farm-to-Market Road No. "E" west of St. Charles located in Madison County. Project No. ERS-24 (6).
TO: J. C. Hickman, Indianola, Iowa.

Whereas, the Iowa State Highway Commission has filed in my office an application for the selection of a condemnation commission to assess the damages which owners, lienholders, encumbrancers and other persons interested in the premises sought to be appropriated in these proceedings will sustain by reason of such appropriation for the improvement and/or maintenance of Farm-to-Market Roads in Madison County, and

Whereas, you have been selected and appointed by the chief Justice of the Supreme Court of Iowa, as a member of such condemnation commission, and such selection and appointment has been duly filed in my office,

Now Therefore, you are commanded to be and appear before the undersigned in the office of the sheriff in the courthouse in Winterset, Madison County, State of Iowa, on the 14th day of June, 1949, at 10 o'clock A. M., for the purpose of qualifying as such commissioner, and proceed to view said premises and make an award of damages as by law provided, and fail not to make appearance under penalty of the law.

Cecil A. Letz Sheriff
of Madison County, Iowa.

ACCEPTANCE OF SERVICE

Due and legal service of the foregoing Summons accepted and receipt of copy acknowledged at Indianola, Iowa, this 9 day of June, A. D. 1949. J. C. Hickman

Filed in my office at Winterset, Iowa, this 10th day of June, 1949.

Cecil A. Letz Sheriff
of Madison County, Iowa.

OATH OF COMMISSIONERS.

In the Matter of the Condemnation of Certain Land by the Iowa State Highway Commission for the Use and Benefit of the Public and Madison County in the Improvement of Farm-to-Market Road No. "E" West of St. Charles located in Madison County. Project No. ERS-24 (6).
State of Iowa, Madison County)ss.
Each of the undersigned being duly sworn says:

That I will well and truly perform all the duties imposed upon me by law as a member of the Condemnation Commission selected and appointed to assess the amount of damages to be

Acres-Blackmar Co., Burlington. 48029

paid to the respective record owners, lienholders or encumbrancers upon, and other persons having any interest in or upon, the premises involved in the above entitled proceedings by reason of the appropriation of the following described real estate for the improvement and/or the maintenance of Farm-to-Market Roads as authorized in Chapters 310, 471 & 472 of the 1946 Code of Iowa and any amendments thereto.

The SW 1/4 SW 1/4; NW 1/4 SW 1/4; SW 1/4 NW 1/4; and parts of the following: NE 1/4 SW 1/4; SE 1/4 NW 1/4; NW 1/4 NW 1/4, all in Sec. 22, T75N, R26W of the 5th P.M., Madison County, Iowa.

W. H. Breeding	St. Charles, Iowa	Owner
Grace Carman Breeding	St. Charles, Iowa	Owner

The land sought to be appropriated is described as follows:

Commencing, as a point of reference, at the SW Cor. of Sec. 22, T75N, R26W of the 5th P.M., thence north 3943.6 ft. to center of road, thence N84°51'E 499.4 ft., thence easterly 571.1 ft. along a 1910 ft. radius curve concave northerly and tangent to the preceding course, thence N 67°43'E 232.9 ft. to the center of bridge, which is the point of beginning of land herein described: thence S 37°49½'E 102.0 ft., thence S 61°30.5'E 244.1 ft., thence S 53°05'E 111.8 ft., thence S 17°59'E 101.1 ft., thence S 15°12½'E 102.0 ft., thence S 22°28½'W 152.4 ft., thence S 12°31'W 95.3 ft., the last seven courses being along the centerline of Clanton Creek, thence S 63°29'W 40 ft., thence N 26°31'W 743.9 ft., thence S 67°43'W 195.2 ft., thence N 22°17'W 33 ft., thence N 67°43'E 232.9 ft., to the point of beginning containing 2.75 acres, more or less, exclusive of present road. Madison County Project ERS 24 (6)

J. C. Hickman	Maurice D. Cornish
Bernard Johnson	E. L. Garris
Charles S. Johnson	J. H. Warburton

Subscribed in my presence and sworn to before me this 14th day of June, 1949.

(DISTRICT COURT SEAL)

Pearl E. Shetterly Clerk of Court
in and for Madison County, Iowa.

Filed in my office this 14th day of June, 1949, at Winterset, Iowa.

Cecil A. Letz Sheriff
of Madison County, Iowa.

NOTICE

In the Matter of the Condemnation of Certain Land by the Iowa State Highway Commission for the Use and Benefit of the Public and Madison County in the Improvement of Farm-to-Market Road No. "E" West of St. Charles located in Madison County. Project No. ERS-24 (6)
TO: W. H. Breeding Grace Carman Breeding St. Charles, Iowa record owner of, 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:

The SW 1/4 SW 1/4; NW 1/4 SW 1/4; SW 1/4 NW 1/4; and parts of the following: NE 1/4 SW 1/4; SE 1/4 NW 1/4; NW 1/4 NW 1/4, all in Sec. 22, T75N, R26W of the 5th P.M., Madison County, Iowa.

You, and each of you, are hereby notified that Madison County desires the condemnation of the following described land:

Commencing, as a point of reference, at the SW Cor. of Sec. 22, T75N, R26W of the 5th P.M., thence north 3943.6 ft. to center of road, thence N84°51'E 499.4 ft., thence easterly 571.1 ft. along a 1910 ft. radius curve concave northerly and tangent to the preceding course, thence N 67°43'e 232.9 ft. to the center of bridge, which is the point of beginning of land herein described; thence S 37°49½'E 102.0 ft., thence S 61°30.5'E 244.1 ft., thence S 53°05'E 111.8 ft., thence S 17°59'E 101.1 ft., thence S 15°12½'E 102.0 ft., thence S 22°28½'W 152.4 ft., thence S 12°31'W 95.3 ft., the last seven courses being along the centerline of Clanton Creek, thence S 63°29'W 40 ft., thence N 26°31'W 743.9 ft., thence S 67°43'W 195.2 ft., thence N 22°17'W 33 ft., thence N 67°43'E 232.9 ft. to the poing of beginning containing 2.75 acres, more or less, exclusive of present road. Madison County Project ERS 24 (6)

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 said land is sought by condemnation proceedings for Farm-to-Market Road right-of-way, and/or for the purpose of obtaining gravel or other suitable material

with which to improve or maintain Farm-to-Market Roads of Madison County, as is authorized and permitted by Chapters 310, 471 &472 of the 1946 Code of Iowa, 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 14 day of June, 1949, at 10:30 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 Robert L. Larson Attorney General.
By Folsom Everest Special Assistant Attorney General and Counsel to the Iowa State Highway Commission

ACCEPTANCE OF SERVICE

Legal service of the above and foregoing notice is hereby accepted and I hereby waive time and publication of such notice in a newspaper as required by law and acknowledge receipt of copy.

Signed at - this - day of - 19 -.

State of Iowa, Madison County, ss:

Received the within notice the 2nd day of June, 1949, and I hereby certify that I have served the same on the persons named below, by reading the same to them, or by offering to read the original and delivered to each of them a true copy of the same at the time and place set opposite their name:

Name	Month	Day	Year	Township	County	State
W. H. Breeding	June	2nd	1949	South	Madison	Iowa
Grace Carman Breeding	June	2nd	1949	South	Madison	Iowa

Fees:	
Service	$ .75
Mileage	$ 2.25
Total	$ 3.00

Cecil A. Letz Sheriff
of Madison County, Iowa
By J. Clair Boyd, Deputy

REPORT OF CONDEMNATION COMMISSION

In the Matter of the Condemnation of Certain Land by the Iowa State Highway Commission for the Use and Benefit of the Public and Madison County in the Improvement of Farm-to-Market Road No. "E" West of St. Charles located in Madison County. Project No. ERS-24(6).

TO: Cecil A. Letz Sheriff of Madison County, Iowa.

We, the undersigned, being the duly appointed and qualified commissioners appointed to assess the damages sustained by the respective owners, lienholders, encumbrancers and other persons interested in the premises affected by the appropriation of the following described lands.

The SW 1/4 SW 1/4; NW 1/4 SW 1/4; SW 1/4 NW 1/4; and parts of the following: NE 1/4 SW 1/4; SE 1/4 NW 1/4; NW 1/4 NW 1/4, all in Sec. 22, T75N, R26W of the 5th P.M., Madison County, Iowa.

W. H. Breeding	St. Charles, Iowa	Owner
Grace Carman Breeding	St. Charles, Iowa	Owner

The land sought to be appropriated is described as follows:

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respectfully report as follows:

That we proceeded to view the respective premises at the time or times fixed in the notice to persons interested therein, and do hereby assess and appraise the damages of the

Acres-Blackmar Co., Burlington. 48029

respective persons interested in said premises, as follows:

W. H. Breeding and Grace Carman Breeding - owners $ 550.00

Respectfully reported this 14 day of June, 1949 at Winterset, Iowa.

J H Warburton
Maurice D. Cornish
J. C. Hickman

E. L. Garris
Charles S. Johnson
Bernard Johnson

Filed in my office at Winterset, Iowa, this 14th day of June, A. D. 1949.

Cecil A. Letz Sheriff
of Madison County, Iowa.

SHERIFF'S CERTIFICATION AS TO AWARDS AND COSTS.

IN THE MATTER OF THE CONDEMNATION OF CERTAIN REAL ESTATE FOR PRIMARY ROAD PURPOSES BY THE STATE HIGHWAY COMMISSION OF THE STATE OF IOWA. IN Madison COUNTY. PROJECT NO. ERS-24 (6).

To Iowa State Highway Commission,
Ames, Iowa.

I hereby certify that the commissioners in the above entitled cause convened at Winterset, Iowa, on the 14th day of June, 1949, and thereupon proceeded to view the premises and said commissioners did thereafter on the 14th day of June, 1949, file their report in my office awarding damages as follows:

Name	Amount
W. H. Breeding and Grace Carman Breeding	$ 550.00
Total Damages Awarded	$ 550.00

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

Serving notices as listed below:

Date	Name of Persons Served.	Fee	Mileage	Rate .07½	Amount	Total.
6/2/49	W. H. Breeding					
6/2/49	Grace Carman Breeding	.75	30 Mi	-	2.25	3.00

Sheriff, summoning and attending commissioners - - - - - - - - - - - - - - - -$5.00

Sheriff, mileage while attending commissioners 30 Mi. Miles at .07½ - - - $2.25

John H. Warburton of Newton Iowa.
1 day service - - - - - - - - - - - $20.00
154 miles at .05 - - - - - - - - - - - 7.70
1 meals - - - - - - - - - - - 1.25
Lodging - Hotel -
Total - - - - - - - $28.95

E. L. Garris of Osceola Iowa.
1 day service - - - - - - - - - - - - $20.00
80 miles at .05 - - - - - - - - - - - - 4.00
1 meals - - - - - - - - - - - - - - - - 1.25
Lodging - Hotel -
Total - - - - - - - -$25.25

Bernard Johnson 405 East 5th St. of Des Moines Iowa.
1 day service - - - - - - - - - - - - $20.00
72 miles at .05 - - - - - - - - - - - 3.60
1 meals - - - - - - - - - - - - - - - 1.25
Lodging - Hotel -
Total - - - - - - - -$24.85

J. C. Hickman of Indianola Iowa.
1 day service - - - - - - - - - - - - - $20.00
52 miles at .05 - - - - - - - - - - - - 2.60
1 meals - - - - - - - - - - - - - - - - 1.25
Lodging - Hotel -
Total - - - - - - - - $23.85

Maurice D. Cornish of Bagley Iowa.
1 day service - - - - - - - - - - - - -$20.00
120 miles at .05 - - - - - - - - - - - - 6.00
1 meals - - - - - - - - - - - - - - - - 1.25
Lodging - Hotel -
Total - - - - - - - $27.25

Charles S. Johnson of Perry Iowa.
1 day service - - - - - - - - - - - - -$20.00
80 miles at .05 - - - - - - - - - - - - 4.00
1 meals - - - - - - - - - - - - - - - - 1.25
Lodging - Hotel -
Total - - - - - - - -$ 25.25

Given under my hand this 14th day of June 1949.

Cecil A. Letz Sheriff
of Madison County, Iowa.
By, J. Clair Boyd, Deputy

AGREEMENT AND STIPULATION OF SETTLEMENT.

IN THE MATTER OF THE CONDEMNATION OF CERTAIN LAND BY THE IOWA STATE HIGHWAY COMMISSION

FOR THE USE AND BENEFIT OF THE PUBLIC AND MADISON COUNTY IN THE IMPROVEMENT OF FARM-TO-MARKET ROAD NO. "E" West of St. Charles LOCATED IN MADISON COUNTY. PROJECT NO. ERS-24(6)

IT IS HEREBY AGREED AND STIPULATED by and between the Iowa State Highway Commission and Madison County, Iowa, parties of the first part, and W. H. Breeding and Grace Carman Breeding, parties of the second part, as follows, to-wit:

It is hereby agreed that in addition to the real estate described in the Condemnation Application in the above entitled cause that the following described real estate, to-wit:

> Commencing as a point of reference at the South-west (SW) corner of Section Twenty-two (22), Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., thence North 3943.6 feet to the center of road, thence North 84°51'East - 499.4 feet; thence easterly 571.1 feet along a 1910 foot radius curve concave northerly and tangent to the preceding course, thence South 22°17'East - 33.0 Feet to the point of beginning; thence continuing South 22°17'East -27.0 feet; thence North 67°43'East 195.2 feet; thence North 26°31'West - 27.0 feet; thence South 67°43'West - 195.2 feet to the point of beginning and containing 0.12 acres more or less,

shall be considered as if it had been originally described in the Application and Notice of the Condemnation Proceedings making the total land to be condemned 2.87 acres more or less exclusive of present road.

It is further stipulated that in addition to the dike across the old channel of Clanton Creek near the South end of the proposed channel which is shown on the plans in this Condemnation Proceedings, a similar dike shall be constructed by first parties just South of the Junction of a small stream with that of the old channel of Clanton Creek; that in the construction of the proposed channel the dirt from said new channel insofar as is practicable shall be used or wasted in old channel between the dikes above mentioned. That as much of the tillable land lying East of the new channel shall be left for cultivation as is practicable, that is, there shall be no waste dirt cast thereon.

It is further agreed and stipulated that the commissioners appointed to assess the damages for the Condemnation of the land described in the Original Application, together with the land hereinbefore referred to shall make a lump sum allowance of Five Hundred Fifty Dollars ($550.00) for the land taken and for all damages arising incident to such taking.

Signed and dated at Winterset, Iowa, this 14th day of June 1949.

Iowa State Highway Commission and Madison County, Iowa,
By Robert O. Frederick, County Attorney
Madison County, Iowa.

W. H. Breeding
W. H. Breeding
Grace Carman Breeding, By Jno. N Hartley, Atty.
Grace Carman Breeding

CONDEMNATION COMMISSIONERS STATEMENT.

To the Sheriff of Madison County:

This is to certify that my fee and expense as a member of the commission in the matter of the condemnation of certain real estate for primary road right of way on Proj. No. ERS-24 (6), hearing having been held on the 14 day of June, 1949, is as follows:

one day service at $20.00 - - - - - - - - -	$ 20.00
52 miles at .05 - - - - - - - - - - - - - -	$ 2.60
one meals - - - - - - - - - - - - - - - - -	$ 1.25
Lodging at none Hotel at - Iowa - - - - - - - - -	$ 24.05

Given under my hand this 14 day of June 1949. J. C. Hickman Commissioner.

Home Address: 907 N. Howard Indianola, Iowa

CONDEMNATION COMMISSIONERS STATEMENT.

To the Sheriff of Madison County:

This is to certify that my fee and expense as a member of the commission in the matter of the condemnation of certain real estate for primary road right of way on Proj. No. ERS.24 (6), hearing having been held on the 14 day of June, 1949, is as follows:

Acres-Blackmar Co., Burlington. 48029

One day service at $20.00 - - - - - - - - $20.00
72 miles at .05 - - - - - - - - - - - - - $ 3.60
1 meals - - - - - - - - - - - - - - - - - $ 1.25
Lodging at - Hotel at - Iowa - - - - - - - - - $24.85
Given under my hand this 14 day of June 1949. Bernard Johnson Commissioner.

Home Address: 405 E. 5th Des Moines Iowa

CONDEMNATION COMMISSIONERS STATEMENT.

To the Sheriff of Madison County:

This is to certify that my fee and expense as a member of the commission in the matter of the condemnation of certain real estate for primary road right of way on Proj. No. ERS-24 (6), hearing having been held on the 14th day of June, 1949, is as follows:

1 day service at $ 20.00 - - - - - - - - - $ 20.00
80 miles at .05 - - - - - - - - - - - - - - $ 4.00
1 meals - - - - - - - - - - - - - - - - - - $ 1.25

Lodging at - Hotel - Iowa - - - - - - - - - - - - - - $ 25.25

Given under my hand this 14th day of June, 1949. E. L. Garris Commissioner.

Home Address: E. L. Garris Osceola -

CONDEMNATION COMMISSIONERS STATEMENT.

To the Sheriff of Madison County:

This is to certify that my fee and expense as a member of the commission in the matter of the condemnation of certain real estate for primary road right of way on Proj. No. ERS-24 (6), hearing having been held on the 14 day of June, 1949, is as follows:

1 day service at $20.00 - - - - - - - - - $20.00
154 miles at .05 - - - - - - - - - - - - - $ 7.70
1 meals - - - - - - - - - - - - - - - - - - $ 1.25

Lodging at - Hotel at - Iowa - - - - - - - - - - - $28.95

Given under my hand this 14 day of June 1949. J. H. Warburton Commissioner.

Home Address: Box 827 Newton Iowa

CONDEMNATION COMMISSIONERS STATEMENT.

To the Sheriff of Madison County:

This is to certify that my fee and expense as a member of the commission in the matter of the condemnation of certain real estate for primary road right of way on Proj. No. ERS 24 (6), hearing having been held on the 14th day of June, 1949, is as follows:

1 day service at $20.00 - - - - - - - - $20.00
80 miles at .05 - - - - - - - - - - - - $ 4.00
1 meals - - - - - - - - - - - - - - - - $ 1.25

Lodging at - Hotel at - Iowa - - - - - - - - - - - $25.25

Given under my hand this 14th day of June 1949. Charles S Johnson Commissioner.

Home Address: 2124 - Evelyn Street Perry Iowa.

CONDEMNATION COMMISSIONERS STATEMENT.

To the Sheriff of Madison County:

This is to certify that my fee and expense as a member of the Commission in the matter of the condemnation of certain real estate for primary road right of way, Project No. ERS-24 (6) hearing having been held on the 14 day of June, 1949, is as follows:

one day service at $ 20.00 - - - - - - $20.00
120 miles at .05 - - - - - - - - - - - - $ 6.00
one meals - - - - - - - - - - - - - - - - $ 1.25

Lodging at - (name) Hotel at - (town) Iowa - - - - - - - - - - $27.25
Total - $ -
Given under my hand this 14 day of June 1949 Signed Maurice D. Cornish -

COMPARED

Home Address: Bagley, Iowa Maurice D. Cornish