

IN THE DISTRICT COURT OF THE STATE OF IOWA

IN AND FOR MILLS COUNTY

CHARLES W. CLARK; LAVERNE
CLARK;

Plaintiffs,

vs.

IOWA STATE HIGHWAY COMMISSION,

Defendant.

LAW NO. _____

NOTICE OF APPEAL

IN THE MATTER OF THE CONDEMNATION
OF CERTAIN RIGHTS IN LAND BY THE
IOWA STATE HIGHWAY COMMISSION FOR
THE USE AND BENEFIT OF THE STATE
OF IOWA IN THE IMPROVEMENT OF
PRIMARY ROAD NO. U.S. 34, WEST OF
GLENWOOD, LOCATED IN MILLS COUNTY,
IOWA, PROJECT NO. FN-34-1(16)--21-
65, GROUP "F"

TO: Charles W. Clark, R.R., Glenwood, Iowa
LaVerne Clark, R.R., Glenwood, Iowa
Mills County Soil Conservation District, c/o Albert
Washburn, Chairman, Malvern, Iowa
Mills County, Iowa, c/o County Auditor, Glenwood, Iowa

YOU, AND EACH OF YOU, ARE HEREBY NOTIFIED that the Iowa
State Highway Commission does hereby appeal in accordance with
Sections 472.18 and 472.19, 1966 Code of Iowa, from the award
of the Condemnation Commission in the amount of Twenty-Seven
Thousand Seventy-Five Dollars (\$27,075.00) found and made on the
27th day of May, 1971, for the value of the property interests
sought to be condemned from Charles W. Clark; LaVerne Clark;
Mills County Soil Conservation; and Mills County, Iowa under
Chapter 472, 1966 Code of Iowa, as amended, affecting the real
estate described in the attachment marked Exhibit "A" attached
hereto and made a part hereof as if fully set out.

YOU, AND EACH OF YOU, ARE FURTHER NOTIFIED, that you, as
the Plaintiff-Condemnees should have your Petition on file
in the office of the County Clerk of the District Court in and
for Mills County, Iowa, within twenty (20) days after the
perfection of this appeal, in accordance with the provisions
of Section 472.22, as amended, of the 1966 Code of Iowa.

IOWA STATE HIGHWAY COMMISSION

RICHARD C. TURNER
Attorney General of Iowa

BY *Asher E. Schroeder*
ASHER E. SCHROEDER (Acting)
Special Assistant Attorney
General and Counsel to the
Iowa State Highway Commission
Ames, Iowa 50010
Phone: 515-232-7250, Ext. 342

ATTORNEYS FOR DEFENDANT

ACCEPTANCE OF SERVICE BY SHERIFF

Service of the within and foregoing Notice of Appeal is
hereby accepted and receipt of copy acknowledged at Glenwood,
Iowa, this _____ day of _____, 1971.

EDWIN L. BARKUS
Sheriff of Mills County, Iowa

NOTICE

Primary Road No. U.S. 34, west of

Glenwood

located in Mills County, Iowa

Project No. FN-34-1(16)--21-65

Group "F"

TO:

Charles W. Clark, R.R., Glenwood, Iowa

LaVerne Clark, R.R., Glenwood, Iowa

Mills County, Iowa, c/o County Auditor, Glenwood, Iowa

Mills County Soil Conservation District, c/o ~~Cassell Blackburn~~ Chairman, Malvern, Iowa

Albert Washburn

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

SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, and part of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 10, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and parts of the NE $\frac{1}{4}$ NW $\frac{1}{4}$,
SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 15, both in T72N, R43W of the 5th P.M., Mills County, Iowa.

You, and each of you, are hereby notified that the State of Iowa desires certain rights
in land more specifically described as follows and shown with reference to their location
as to lands affected on the plat Exhibit "A" attached hereto and to the Application filed
with the Chief Judge of the Judicial District containing Mills County, Iowa, and in
the Office of the Sheriff of Mills County, Iowa, to which you are referred:

The title in fee simple sought to be appropriated is in land described as follows:

A parcel of land located in the S $\frac{1}{2}$ of Sec. 10 and the N $\frac{1}{2}$ of Sec. 15, both in T72N,
R43W of the 5th P.M., Mills County, Iowa, lying on both sides of part of the following
described centerline of Relocated Primary Road No. U.S. 34, as shown on Official
plans for Project FN-34-1(16)--21-65.

The centerline of Relocated Primary Road No. U.S. 34, designated by station points 100
feet apart, numbered consecutively from west to east, is described as follows:
Beginning at Sta. 564+30.2, a point 918.7 ft. North of the SW Corner of said Sec. 10,
on the west line of the SW $\frac{1}{4}$ thereof, thence N84°05'E 282.7 ft. to Sta. 567+12.9,
thence easterly 4595.8 ft. along a 5729.6 ft. radius curve, concave southerly and
tangent to the preceding and following courses, to Sta. 613+08.7, thence S49°57 $\frac{1}{2}$ 'E
139.1 ft. to Sta. 614+47.8.

Said parcel is described as follows: Bounded on the west by the west line of the
SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Sec. 10; on the east by the east lines of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec. 10
and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec. 15; on the north by a line beginning at the NW Corner of
said SE $\frac{1}{4}$ SW $\frac{1}{4}$, thence easterly along the north line of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ to a point radially
distant northerly from Sta. 582+50, thence to a point 470 ft. radially distant
northeasterly from Sta. 594+00, thence to a point 425 ft. radially distant north-
easterly from Sta. 600+00, thence to a point 190 ft. radially distant northeasterly
from centerline on the east line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$; on the south by a line beginning at a
point 270 ft. radially distant southerly from centerline on the west line of said
SE $\frac{1}{4}$ SW $\frac{1}{4}$, thence to a point 275 ft. radially distant southwesterly from Sta. 587+50,
thence to a point 465 ft. radially distant southwesterly from Sta. 592+00, thence to a
point 300 ft. radially distant southwesterly from Sta. 606+50, thence to a point 370
ft. radially distant southwesterly from centerline on the east line of said NW $\frac{1}{4}$ NE $\frac{1}{4}$.

Said parcel contains 50.94 acres, more or less, exclusive of the present established
road.

The easement for highway purposes sought to be appropriated is in land described as
follow:

EXHIBIT "A"

A parcel of land located in the NE $\frac{1}{4}$ of said Sec. 15 lying on the west side of part of the following described centerline of Relocated Secondary Road, as shown on Official plans for Project FN-34-1(16)--21-65.

The centerline of Relocated Secondary Road, designated by station points 100 feet apart, numbered consecutively from south to northeast, is described as follows: Beginning at Sta. 1616+00.0, a point on the centerline of Relocated Primary Road No. U.S. 34 located at Sta. 614+47.8, thence S40°02 $\frac{1}{2}$ 'W 590.3 ft., to Sta. 1610+09.7, thence southwesterly 861.4 ft. along a 1206.2 ft. radius curve, concave southeasterly and tangent to the preceding course, to Sta. 1601+48.3.

Said parcel is described as follows: Bounded on the east by the present westerly right of way line of the Secondary Road along the east side of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec. 15; on the south by the north line of the South 7 Rods of the North 10 Acres of said SW $\frac{1}{4}$ NE $\frac{1}{4}$; on the northwest by a line beginning at a point 150 ft. radially distant northwesterly from centerline of Relocated Secondary Road on the north line of said South 7 Rods, thence to a point 155 ft. radially distant northwesterly from centerline on the east line of said NW $\frac{1}{4}$ NE $\frac{1}{4}$.

Said parcel contains 0.18 acre, more or less.

Note: The west line of the SW $\frac{1}{4}$ of said Sec. 10 is assumed to bear North and South.

In connection with this condemnation proceeding it is specifically provided as follows:

1. No rights of direct access to and from Relocated Primary Road No. U.S. 34 are to inure to that portion of condemnees remaining property abutting thereon.
2. No rights of direct access to and from Relocated Secondary Road, north of Sta. 1607+50 are to inure to that portion of condemnees remaining property abutting thereon.
3. The State of Iowa shall have a temporary easement right, for the specific purpose of filling a draw, to a parcel bounded on the south by the land sought in fee simple title; on the north by a line 550 ft. radially distant northerly of and concentric with centerline of Relocated Primary Road No. U.S. 34; on the west by a line beginning at a point radially distant northerly from Sta. 586+90 on the north line of the land sought in fee simple title, thence to a point 550 ft. radially distant northerly from Sta. 587+50; on the east by a line beginning at a point radially distant northerly from Sta. 587+90, on the north line of the land sought in fee simple title, thence to a point 550 ft. radially distant northerly from Sta. 588+40.
4. Any drainage tile lines, or outlets, which are located within the land being acquired under this proceeding, in any estate, and are damaged or destroyed by highway construction, shall be relocated, replaced or restored by the condemnor outside of said land being acquired under this proceeding, and at no expense to the condemnees, and the State of Iowa shall have a right of temporary easement as necessary over condemnees' remaining property for the specific purpose of effecting such relocation, replacement or restoration.
5. The temporary easement rights of the State of Iowa referred to in Nos. 3 and 4 above shall terminate immediately upon completion of the operations for which said rights are sought and in no event later than December 31, 1975.
6. Any and all improvements, including fences, located wholly within the land sought in fee simple title and by easement for highway purposes are condemned in their entirety.

That such condemnation is sought for primary road right of way and/or highway drainage and/or for the purpose of obtaining suitable material with which to improve or maintain and/or to maintain primary roads of the state of Iowa in the manner prescribed in Chapters 306, 306A, 306B, 313, 471 and 472 of the 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 commission will on the 27th day of May, 1971, at 10:40 o'clock, a m. (CDT) view the real estate described above and proceed to appraise said damages at which time you may appear before said commission if you care so to do.

IOWA STATE HIGHWAY COMMISSION

BY RICHARD C. TURNER
Attorney General of Iowa

BY James F. Petersen
JAMES F. PETERSEN
Special Assistant Attorney General,
and Counsel to 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 publications of such notice in a newspaper.

Dated at _____ this _____ day of _____, 19____.

State of Iowa, County, ss:

Received the within notice the _____ day of _____, 19____, and I hereby certify that I have served to each of said persons named below, by delivering a true copy of the same to each of said persons at the time and place set opposite their respective names:

Name	Month	Day	Year	Township, City or Town	County	State

Fees:
Service \$
Mileage \$
Total \$

Sheriff, _____ County, Iowa
By, _____ Deputy

