

VOL 1537 PAGE 506

File #242

In the matter of the Condemnation
of Real Estate for
Project designated as:
HIGHWAY PURPOSES

DOCUMENT NO. 12006
RECORDING FEE 88
AUD. FEE 3.00

MAE STONER ORRICK

vs

IOWA STATE HIGHWAY COMMISSION

95654

)
) Sheriff's filing of Record
) after receiving Notice of
) Appeal
) (Parcel 2010)

FILED
CLERK
LINN COUNTY
JUL 15 3:11

To: Kenneth L. Perry Clerk of the Linn
County District Court

This is to advise you that I have this 15 day of JUNE
1972, been served with a Notice of Appeal by the above named
plaintiffs. These proceedings were held on the 25 day of MAY
19 72

I hereby certify that the attached documents are the ORIGINAL
COPIES of the Proceedings which were held on the 25 day of MAY
1972 and I am in receipt of \$117,775.00 which represents the Jury
Award in this matter.

FILED
SHERIFF
COUNTY RECORDER

72 JUL 11 AM 8 07

MAE STONER ORRICK

Walter H. Grant, Sheriff

By: Lt. David R. Webster, Deputy

IN THE DISTRICT COURT OF IOWA IN AND FOR LINN COUNTY

MAE STONER ORRICK, :
 Plaintiff :
 VS :
 IOWA STATE HIGHWAY COMMISSION, :
 Defendant. :

NO. 1537
 NOTICE OF APPEAL

REC'D
 JUN 15 PM 1:12

TO: Iowa State Highway Commission, Linn County, Iowa,
 and Walter H. Grant, Sheriff of Linn County, Iowa
 and the City of Cedar Rapids, Iowa

YOU AND EACH OF YOU ARE HEREBY NOTIFIED that Mae Stoner Orrick, as the party having an interest in the following described real estate located in Cedar Rapids, Linn County, Iowa, to-wit:

Northeast Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 9, Township 82 North, Range 7 West of the 5th P.M. in Linn County, Iowa and the Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 10 Township 82 North, Range 7 West of the 5th P.M. Linn County, Iowa except the North 679.23 feet thereof and the West 300 feet of the South 179.23 feet of the North 679.23 feet of the Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 10, Township 82 North Range 7 West of the 5th P.M. in College Township of Linn County, Iowa except the public highways.

(for a complete description of the property being taken, see the Notice which is hereto attached and marked Exhibit "A" and which is by reference made a part hereof).

has appealed and does hereby appeal to the District Court of Iowa in and for Linn County from each and every action of the said Iowa State Highway Commission and the Condemnation Commissioners pertaining to the above described real estate and arising by virtue of

1537 PAGE 508

condemnatory proceedings held on May 23, 1972, including but not limited to the matter of jurisdiction and the award of damages in the amount of \$117,775 for the taking of the interest of the Plaintiff in the above described real estate 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. 30.

Said appeal will come on for hearing and trial 20 days after perfection of this appeal in the District Court of Linn County, Iowa located at Cedar Rapids, Linn County, Iowa.

Date this 14th day of June, A.D., 1972.

NAZETTE, HENDRICKSON, MARNER
& HUMPHREYS
Attorneys for Plaintiff

200 1st Street S.W.
Cedar Rapids, Iowa 52404

BY _____
Richard F. Nazette

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

Form 495, Sheet 1
VOL 1537 PAGE 509

Interstate Route No. 580 in the
City of Cedar Rapids
located in Linn County, Iowa
Project No. I-380-6(22)258--01-57
Group "C"

REC'D
12 APR 20 AM 8:30
Linn County, Iowa

TO:

✓ Mae Stoner Orrick, 5555 Bowling Street SW, Cedar Rapids, Iowa
United State Bank, Cedar Rapids, Iowa
Larry D. Henken, Swisher, Iowa
Linn County, Iowa, c/o County Auditor, Cedar Rapids, Iowa
City of Cedar Rapids, Iowa, c/o City Clerk, Cedar Rapids, Iowa
and to all other persons, companies or corporations having any interest in or owning any of the following described real estate:

NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 9, part of NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 10, all in T 2 N, R 7 W of the 5th P.M., in the City of Cedar Rapids, Linn 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 Linn County, Iowa, and in the Office of the Sheriff of Linn 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 NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 9 and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 10, both in T 2 N, R 7 W of the 5th P.M., unplatted in the City of Cedar Rapids, Linn County, Iowa, lying on both sides of part of the following described centerline of Bowling Street, on both sides of part of the following described baseline of ramp "P" of Primary Road No. U.S. 50, on both sides of part of the following described centerline of Miller Avenue Extension, and on both sides of part of the following described centerline of Proposed Frontage Road, all as shown on the plat Exhibit "A" attached hereto and by reference made a part hereof.

The centerline of Bowling Street, designated by station points 100 feet apart, numbered consecutively from south to north, is described as follows: Commencing at the W. Corner of said Sec. 9, thence East along the north line of the SW $\frac{1}{4}$ of said Sec. 9 1747.2 ft., thence N5 $^{\circ}$ 54 $'$ W 10.3 ft., thence N89 $^{\circ}$ 59 $'$ W 1123.0 ft., thence N89 $^{\circ}$ 35 $'$ W 2446.0 ft., thence S2 $^{\circ}$ 07 $'$ W 655.0 ft. to Sta. 657+26.0, the Point of beginning, thence continuing S2 $^{\circ}$ 07 $'$ W 726.0 ft. to Sta. 650+00.

The baseline of ramp "P" of Primary Road No. U.S. 50, designated by station points 100 feet apart, numbered consecutively from east to west, is described as follows: Beginning at Sta. 6208+60.5, a point on the centerline of Bowling Street located at Sta. 657+26.0, thence N77 $^{\circ}$ 49 $'$ W 1455.5 ft. to Sta. 6223+00.

The centerline of Miller Avenue Extension, designated by station points 100 feet apart, numbered consecutively from west to east, is described as follows: Beginning at Sta. 115+60.0, a point on the centerline of Bowling Street located at Sta. 654+55.0, thence N68 $^{\circ}$ 24 $'$ W 957.0 ft. to Sta. 105+71.0, thence westerly 322.0 ft. along a 7639.4 ft. radius curve, concave southerly and tangent to the preceding and following courses, to Sta. 102+49.0, thence S89 $^{\circ}$ 11 $'$ W 249.0 ft. to Sta. 100+00.

The centerline of Proposed Frontage Road, designated by station points 100 feet apart, numbered consecutively from west to northeast, is described as follows: Beginning at

Linn County Project I-380-6(22)258--01-57
Mae Stoner Orrick (Parcel 2010)
Continued on next sheet

Sheet 1
of 5

EXHIBIT "A"

1537 PAR 510

San Diego County Project 1-330-6(22)258--01-57
The Stoner Circle (Parcel 2010)

Sheet 2
of 5

Sta. 115+26.6, a point on the centerline of Howling Street located at Sta. 654+99.0, thence N68°06'12" E 73.1 ft. to Sta. 116+01.7, thence northeasterly 547.7 ft. along a 100 ft. radius curve, concave northwesterly and tangent to the preceding and following courses, to Sta. 119+00.4, thence S51°33'18" W 413.0 ft. to Sta. 124+00.

Said parcel is described as follows: Beginning at the N.E. Corner of said Sec. 9, thence westerly along the north line of the N1/2S21 of said Sec. 9 to the west line of said N1/2S21, thence southerly along said west line to a point 125 ft. normally distant southerly from the line of ramp "2", thence to a point 125 ft. normally distant southerly from the line of ramp "2" on the westerly right of way line of Howling Street, thence southerly along said westerly right of way line to a point 40 ft. normally distant northerly from centerline of Miller Avenue Extension, thence parallel to or concentric with centerline of Miller Avenue Extension to a point 40 ft. normally distant northerly from said centerline of the east line of said N1/2S21, thence southerly along said west line to a point 40 ft. normally distant southerly from centerline of Miller Avenue Extension, thence parallel to or concentric with centerline of Miller Avenue Extension to a point 40 ft. normally distant southerly from said centerline on the westerly right of way line of Howling Street, thence southerly along said westerly right of way line to the south line of said N1/2S21, thence easterly along said south line and the south line of the N1/2S21 of said Sec. 9 to the easterly right of way line of Howling Street, thence northerly along said easterly right of way line to a point normally distant easterly from Sta. 650+00 (Howling St.), thence to a point 70 ft. normally distant southerly from Sta. 650+00 (Prop. Frontage Road), thence to a point 100 ft. normally distant southeasterly from Sta. 116+00, thence to a point 70 ft. normally distant southeasterly from centerline of Proposed Frontage Road on the south line of the North 1/2 of said N1/2S21, thence westerly along said south line to the east line of the said 500 feet of said N1/2S21, thence northerly along said east line to the north line of the said 500 feet of the North 1/2 of said N1/2S21, thence westerly along said north line to the east line of said N1/2S21, thence northerly along said east line to the N.E. Corner of said Sec. 9, the point of beginning.

Said parcel contains 10.4 acres, more or less, exclusive of the present established roads.

Note: The north line of the S1/2 of said Sec. 9 is assumed to bear East and West.

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

1. No rights of direct access to and from Primary Road No. US, 50, including its interchange ramps and approaches thereto, shall inure to that portion of the condemnees' remaining property abutting thereon.
2. All rights of direct access between Howling Street and that portion of the condemnees' remaining property abutting thereon, north of Sta. 654+90, are condemned.
3. Miller Avenue Extension and Proposed Frontage Road are not being constructed as controlled access facilities and the right of reasonable, free and convenient access thereto shall inure to that portion of the condemnees' remaining property abutting thereon.
4. Any and all improvements, including fences, located wholly within the land sought in the simple title are condemned in their entirety.
5. Any exchange title lines, or outlets, which are located within the land being acquired under this proceeding, and are damaged or destroyed by highway construction, shall be relocated, replaced or restored by the condemnee outside of said land being acquired under this proceeding, and at no expense to the condemnees, and the State of San Diego shall have a right of temporary easement as necessary over condemnees' remaining property for the specific purpose of effecting such relocation, replacement or restoration. The temporary easement rights, if any so required, shall terminate immediately upon completion of said restoration and in no event later than December 31, 1970.
6. In the event the owner or the occupant of the property on the date of condemnation, or he shall not be dispossessed of the right of possession of the dwelling house, garage, orchard, or garden until the condemning authority shall have the right to take possession at either the time the damages have been finally determined and paid, or one hundred eighty (180) days after the date of condemnation and filing of the award in which event payment of all the appraisement of damages shall be paid to the owner before the dis-possession can take place.

San Diego County Project 1-330-6(22)258--01-57
The Stoner Circle (Parcel 2010)

Sheet 2
of 5

EXHIBIT "A"

Section 495, Street

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 305, 306A, 306B, 313, 471 and 472 of the Code of Iowa and any amendments thereto.

I 1537 p. 511

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 23 day of May, 1972, at 10:00 o'clock, a.m. (cde) 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 Asher E. Schroeder
ASHER E. SCHROEDER
Special Assistant Attorney General
and Counsel to the Iowa State Highway
Commission, Ames, Iowa 50016

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.

Date of _____ 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 \$ _____
Miscellaneous \$ _____
Total \$ _____

Sherriff, _____ County, Iowa
By, _____ Deputy

EXHIBIT "A"

1537 REF 512

RIGHT OF WAY PLAT
EXHIBIT "A"

YAK

COUNTY LINN STATE CONTROL NO. 17
 PROJECT NO. 1330-1322)258-101-57 PARCEL NO. 2010
 SECTION 9/10 TOWNSHIP 32N RANGE 7W
 PERMANENT 18.2 ACRES TEMPORARY 17 ACRES
 R/W LIMITS: STA. 659+00 (WOMEN'S DR) TO STA. 663+32.5 (WOMEN'S DR)
 A/C LIMITS: STA. 659+00 TO STA. 660+92.5
 OWNER: VAE STONER ORBICK

CITY OF CEDAR RAPIDS

TOWNSHIP
 Sec. 9 15.0 Acs.
 Sec. 10 8.0
 Total 23.0 Acs.

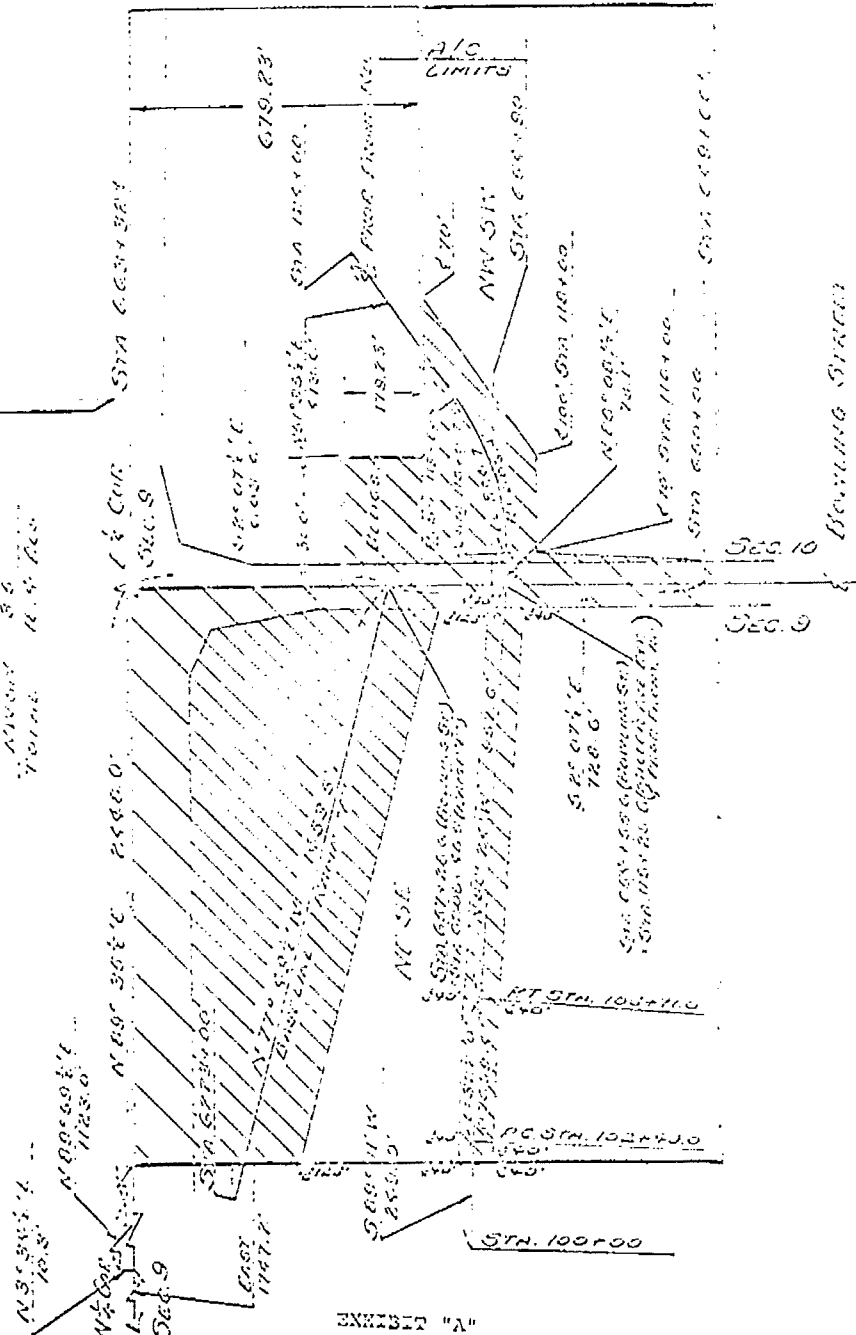


EXHIBIT "A"

IN THE DISTRICT COURT OF IOWA IN AND FOR LINN COUNTY

MAE STONER ORRICK,

Plaintiff

NO. 4332

VS.

PETITION AT LAW

IOWA STATE HIGHWAY COMMISSION,

Defendant.

Plaintiff for cause of action against the Defendant states

1. That the Plaintiff is a resident of Cedar Rapids, Linn County, Iowa and is the owner of the following described real estate located in Cedar Rapids, Linn County, Iowa, to wit:

Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 3, Township 22 North, Range 7 West of the 5th P.M. in Linn County, Iowa and the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of Section 16, Township 22 North, Range 7 West of the 5th P.M. Linn County, Iowa except the North 472.23 feet thereof and the West 320 feet of the South 172.23 feet of the North 472.23 feet of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of Section 16, Township 22 North, Range 7 West of the 5th P.M. in College Township of Linn County, Iowa, except the public highways.

2. That all of the above described property prior to condemnation had been used as one tract or unit.

3. That the above described real estate was used for agricultural purposes, for residential purposes and that some of said property had been sold for commercial purposes prior to condemnation by the Defendant.

4. That on or about the 23rd day of May 1972 the Defendant, Iowa State Highway Commission, for the use and benefit of the State of Iowa by eminent domain proceedings condemned and acquired for highway purposes a portion of the above described real estate as is more specifically described in the notice

served upon the Plaintiff by the Defendant, a copy of which is hereto attached and marked Exhibit "A", and is by reference made a part hereof.

5. That the Plaintiff has duly appealed from the acts of the Defendant and Condemnation Commissioners as by law provided.

6. That prior to the condemnation the fair and reasonable value of Plaintiff's property, as a whole was in the amount of \$250,000.

7. That immediately after said condemnation the fair and reasonable market value of Plaintiff's property as a whole was in the amount of \$146,000.

8. That by virtue of the Defendant's condemnatory proceedings the Plaintiff has sustained the following damages:

- a. The taking of 13.4 acres of highly productive land suitable for agriculture, residential development and for commercial purposes and other related uses.
- b. By dividing or severing the remaining land of the Plaintiff after condemnation to the extent that the Plaintiff's farming operation is economically unfeasible.
- c. By dividing or severing the NW 1/4 of Section 2-22-7 such that that portion lying northerly of the proposed Miller Avenue cannot be used for commercial purposes.

9. That by reason of all of the specific elements of damage to Plaintiff's property as above stated occasioned by the taking and appropriation thereof by the Defendant the Plaintiff will sustain damages in the amount of \$223,473.

WHEREFORE, the Plaintiff prays for judgment against the Defendants in the amount of \$223,473, together with interest thereon.

VOL 1537 PAGE 515

from the date of possession of said land by the Defendant and
for the costs of this action, including a reasonable attorneys
fees for Plaintiff's attorneys as by law provided.

MARSHALL, HENDRICKSON, MARSH
& HANCOCK

Attorneys for Plaintiff

330 1st Street S.W.
Cedar Rapids, Iowa 52404

Richard E. Hanette

1537 PAGE 516

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

Form 474, 1963

Interstate Route No. 380 in the

NOTICE

City of Cedar Rapids

located in Linn County, Iowa

Project No. I-380-6(22)258--01-57

Group "C"

RECORDED
MAY 20 1964
12 11 30 AM '64

Virna Stoner Orrick, 5353 Bowling Street SW, Cedar Rapids, Iowa
United State Bank, Cedar Rapids, Iowa
Larry D. Henkes, Swisher, Iowa
Linn County, Iowa, c/o County Auditor, Cedar Rapids, Iowa
City of Cedar Rapids, Iowa, c/o City Clerk, Cedar Rapids, Iowa
and to all other persons, companies or corporations having any interest in or owing any of the following described real estate:

NW 1/4 of Sec. 9, part of NW 1/4 of Sec. 10, all in T82N, R7W of the 5th P.M., in the City of Cedar Rapids, Linn 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 Linn County, Iowa, and in the office of the Sheriff of Linn 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 NW 1/4 of Sec. 9 and the NW 1/4 of Sec. 10, both in T82N, R7W of the 5th P.M., unplatted in the City of Cedar Rapids, Linn County, Iowa, lying on both sides of part of the following described centerline of Bowling Street, on both sides of part of the following described baseline of Ramp "F" of Primary Road No. U.S. 30, on both sides of part of the following described centerline of Miller Avenue Extension, and on both sides of part of the following described centerline of Proposed Frontage Road, all as shown on the plat Exhibit "A" attached hereto and by reference made a part hereof.

The centerline of Bowling Street, designated by station points 100 feet apart, numbered consecutively from south to north, is described as follows: Commencing at the SW corner of said Sec. 9, thence East along the north line of the SW 1/4 of said Sec. 9 1747.2 ft., thence N3°54'0" E 10.5 ft., thence N69°59'12" E 123.0 ft., thence N69°35'18" E 246.0 ft., thence S2°07'12" E 605.6 ft. to Sta. 657+26.6, the point of beginning, thence continuing S2°07'12" E 726.6 ft. to Sta. 650+00.

The baseline of Ramp "F" of Primary Road No. U.S. 30, designated by station points 100 feet apart, numbered consecutively from east to west, is described as follows: Beginning at Sta. 620+00.5, a point on the centerline of Bowling Street located at Sta. 657+26.6, thence N77°49'12" W 1453.5 ft. to Sta. 620+00.

The centerline of Miller Avenue Extension, designated by station points 100 feet apart, numbered consecutively from west to east, is described as follows: Beginning at Sta. 105+23.6, a point on the centerline of Bowling Street located at Sta. 654+55.0, thence N66°24'W 957.6 ft. to Sta. 105+71.0, thence westerly 322.0 ft. along a 7639.4 ft. radius curve, concave southerly and tangent to the preceding and following courses, to Sta. 101+49.0, thence S69°11'W 249.0 ft. to Sta. 100+00.

The centerline of Proposed Frontage Road, designated by station points 100 feet apart, numbered consecutively from west to northeast, is described as follows: Beginning at

County Project I-380-6(22)258--01-57
Stoner Orrick (Parcel 2010)
Continued on next sheet

Sheet 1
of 5

EXHIBIT "A"

Sta. 119+26.0, a point on the centerline of Bowling Street located at Sta. 654+55.6, thence N68°06'12"E 75.1 ft. to Sta. 116+01.7, thence northeasterly 384.7 ft. along a 603.1 ft. radius curve, concave northwesterly and tangent to the preceding and following courses, to Sta. 119+66.4, thence N51°35'12"E 43.6 ft. to Sta. 124+00.

said parcel is described as follows: Beginning at the SE Corner of said Sec. 9, thence westerly along the north line of the NE1/4 of said Sec. 9 to the west line of said NE1/4, thence southerly along said west line to a point 125 ft. normally distant southerly from baseline of Kamp "P", thence to a point 125 ft. normally distant southerly from Baseline of Kamp "P" on the westerly right of way line of Bowling Street, thence southerly along said westerly right of way line to a point 40 ft. normally distant northerly from centerline of Miller Avenue Extension, thence parallel to or concentric with centerline of Miller Avenue Extension to a point 40 ft. normally distant northerly from said centerline on the west line of said NE1/4, thence southerly along said west line to a point 40 ft. normally distant southerly from centerline of Miller Avenue Extension, thence parallel to or concentric with centerline of Miller Avenue Extension to a point 40 ft. normally distant southerly from said centerline on the westerly right of way line of Bowling Street, thence southerly along said westerly right of way line to the south line of said NE1/4, thence easterly along said south line and the south line of the NW1/4 of said Sec. 10 to the easterly right of way line of Bowling Street, thence northerly along said easterly right of way line to a point normally distant easterly from Sta. 650+00 (Bowling St.), thence to a point 76 ft. normally distant southerly from Sta. 120+00 (Prop. Frontage Road), thence to a point 100 ft. normally distant southeasterly from Sta. 120+00, thence to a point 70 ft. normally distant southeasterly from centerline of Proposed Frontage Road on the north line of the North 679.25 feet of said NW1/4, thence westerly along said south line to the east line of the West 300 Feet of said NW1/4, thence northerly along said east line to the north line of the South 179.23 feet of the North 679.23 feet of said NW1/4, thence westerly along said north line to the east line of said NE1/4, thence northerly along said east line to the SE Corner of said Sec. 9, the point of beginning.

said parcel contains 16.4 acres, more or less, exclusive of the present established roads.

Note: The north line of the SW1/4 of said Sec. 9 is assumed to bear East and West.

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

1. No rights of direct access to and from Primary Road No. U.S. 30, including ties, interchanges, ramps and approaches thereto, shall inure to that portion of the condemnees' remaining property abutting thereon.
2. All rights of direct access between Bowling Street and that portion of the condemnees' remaining property abutting thereon, north of Sta. 650+00, are condemned.
3. Miller Avenue Extension and Proposed Frontage Road are not being constructed or controlled access facilities and the right of reasonable, free and convenient access thereto shall inure to that portion of the condemnees' remaining property abutting thereon.
4. Any and all improvements, including fences, located wholly within the land sought in the aforesaid title are condemned in their entirety.
5. Any drainage tile lines, or ditches, which are located within the land being acquired under this proceeding, and are changed 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. The temporary easement rights, if any so acquired, shall terminate immediately upon completion of said restoration and in no event later than December 31, 1976.
6. In the event the owner is the occupant of the property on the date of condemnation, he shall not be dispossessed of the right of possession of the dwelling house, outhouse, orchard, or garden until the condemning authority shall have the right to take possession of either the time the damages have been finally determined and paid, or one hundred (100) days after the date of condemnation and filing of the award in which event payment of all the appraisement of damages shall be paid to the owner before the dis-possession can take place.

Vol 1537 PAGE 518

That such condemnation is sought for primary road right of way and/or highway drainage and/or for the purpose of obtaining suitable materials 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 23 day of May, 1972, at 10:00 o'clock, a.m. (a.m.) 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 Asher E. Schroeder
ASHER E. SCHROEDER
Special Assistant Attorney General
and Counsel to the Iowa State Highway
Commission, Ames, Iowa 50010

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

EXHIBIT "A"

RIGHT OF WAY PLAT
EXHIBIT "A"



VOL 1537 PAGE 519

COUNTY WAIN STATE CONTROL NO. 17
PROJECT NO. 1-220-61227256-01-57 PARCEL NO. 2010
SECTION 9/10 TOWNSHIP 33N RANGE 7W
PERMANENT 10.4 ACRES TEMPORARY ACRES
R/W LIMITS: STA. 59+66.1 (BOWLING ST.) TO STA. 63+32.1 (BOWLING ST.)
A/C LIMITS: STA. 65+00 TO STA. 63+32.1
OWNER: MAE STONES ORBICK

CITY OF CEDAR RAPIDS

71011100
SEC. 9
10.0 AC
3.5
10.4 AC

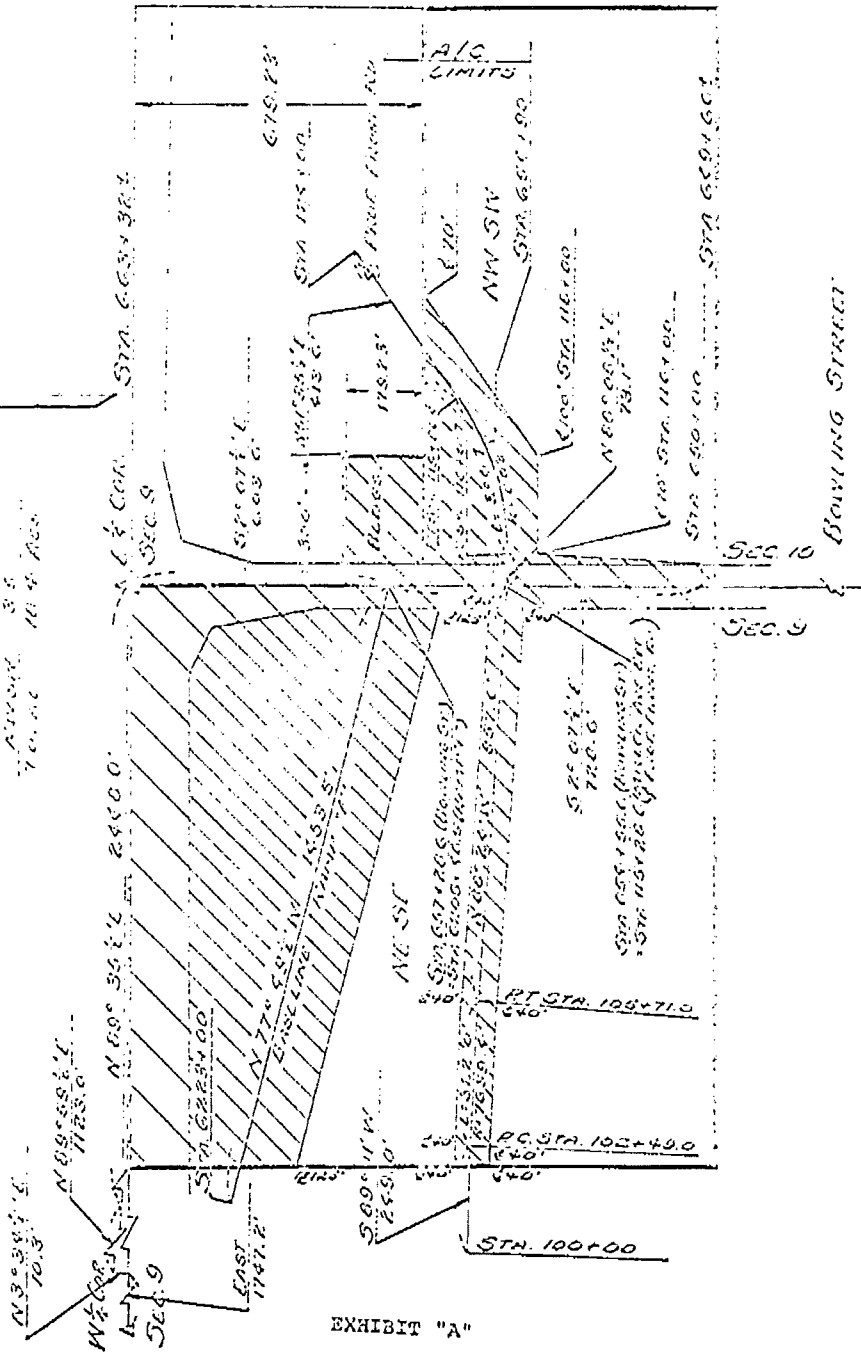


EXHIBIT "A"

VOL 1537 PAGE 520

RECORDED

IN THE MATTER OF THE CONDEMNATION OF CERTAIN REAL ESTATE FOR PRIMARY ROAD PURPOSES BY THE STATE HIGHWAY COMMISSION OF THE STATE OF IOWA.

SHERIFF'S CERTIFICATION AS TO AWARDS AND COSTS

IN LINN COUNTY

PROJECT NO. I-589-6(22)258--01-57

To: Iowa State Highway Commission, Ames, Iowa

I hereby certify that the commissioners in the above-entitled cause convened at Cedar Rapids, Iowa, on the 25 day of MAY 1972, 1970, and thereupon proceeded to view the premises and said commissioners did thereafter on the 25 day of MAY 1970, 1972 file their report in my office awarding damages as follows:

NAME	AMOUNT
PARCEL 2010	\$
MAE STONER ORRICK; UNITED STATE BANK;	
CITY OF CEDAR RAPIDS;	
LINN COUNTY, IOWA	117,775.00
NO AWARD FOR ATTORNEY FEES OR CONDEMNEE EXPENSES	
TOTAL DAMAGES AWARDED	\$ 117,775.00

I further certify that costs incident to this proceeding have been taxed as follows: Serving Notices as listed below:

Date:	Name of Person Served	Fee	Mileage	Rate	Amount	Total
4-20-72	MAE STONER ORRICK	1.00			.20(103)	1.20
4-20-72	UNITED STATE BANK	.75			1.00(103)	1.75
4-20-72	LINN COUNTY, IOWA	.75			.20(103)	.95
4-20-72	CITY OF CEDAR RAPIDS	.75			1.00(103)	1.75

Sheriff, Summoning and attending commissioners \$7.50

Sheriff, Mileage while attending commissioners, _____ Miles @ .10

DEPUTIES MEALS (103=\$5 & 130=\$5) \$ 10.00
(103=\$5 & 130=\$2) 7.00
RECORDING FEES \$ 62.50

TOTAL THIS PAGE: \$ 93.65

- 2 -

CARL NEWELL

of _____, Iowa

_____ day service-----\$ _____
 _____ miles at .10-----
 _____ meals-----
 Lodging _____ Hotel _____
 Total-----\$ 56.00

GEORGE BOWLER

of _____, Iowa

_____ day service-----\$ _____
 _____ miles at .10-----
 _____ meals-----
 Lodging _____ Hotel _____
 Total-----\$ 54.50

RALPH WHITLOCK

of _____, Iowa

_____ day service-----\$ _____
 _____ miles at .10-----
 _____ meals-----
 Lodging _____ Hotel _____
 Total-----\$ 54.00

R. B. KOLFE

of _____, Iowa

_____ day service-----\$ _____
 _____ miles at .10-----
 _____ meals-----
 Lodging _____ Hotel _____
 Total-----\$ 55.20

GEORGE HILL

of _____, Iowa

_____ day service-----\$ _____
 _____ miles at .10-----
 _____ meals-----
 Lodging _____ Hotel _____
 Total-----\$ 55.50

VERN OLIPHANT

of _____, Iowa

_____ day service-----\$ _____
 _____ miles at .10-----
 _____ meals-----
 Lodging _____ Hotel _____
 Total-----\$ 56.50

Given under my hand this 23 day of MAY, 1972

WALTER H. GRANT
 Sheriff of _____ County, Iowa
 BY: _____ DEPUTY

I certify that the foregoing amounts are legally payable to each claimant and that the claim is correct and just and that payment has not been received.

Dated this 25 day of MAY, 1972

 Sheriff of _____ County
 BY: DAVID R. WEBSTER, DEPUTY

VOL 1537 PAGE 522



Department of Justice

RICHARD C TURNER
ATTORNEY GENERAL
ASHER E SCHROEDER
SPECIAL ASSISTANT ATTORNEY GENERAL
HIGHWAY COMMISSION

REC'D
JUN 1 AM 8 37
ADDRESS REPLY TO
DEPARTMENT OF JUSTICE
C U IO STATE HWY COMM
ATTN: 100-4-50010

May 30, 1972

Linn County Sheriff
Linn County Courthouse
Cedar Rapids, Iowa

Dear Sheriff:

RE: Linn County Condemnation, I-380-6(22)258--01-57, Group "C"

Enclosed herein are an original and one copy of a Partial Dismissal in connection with the above-captioned condemnation proceeding. Please file the original and return the copy time-stamped to this office.

We have mailed copies of this Partial Dismissal to all interested parties.

If you should have any questions in regard to this matter, please feel free to contact this office.

Very truly yours,

Asher E. Schroeder
ASHER E. SCHROEDER *cts*
Special Assistant Attorney General

AES:cf
Enclosure

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

Interstate Route No. 380 in the
City of Cedar Rapids
located in Linn County, Iowa
Project No. I-380-6(22)258--01-57
Group "C"

PARTIAL DISMISSAL

TO: Parcel No. 2010

Mae Stoner Orrick, 5353 Bowling Street, SW, Cedar Rapids, Iowa
United State Bank, Cedar Rapids, Iowa
Larry D. Henkes, Swisher, Iowa
Linn County, Iowa, c/o County Auditor, Cedar Rapids, Iowa
City of Cedar Rapids, Iowa, c/o City Clerk, Cedar Rapids, Iowa

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

NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 9, part of NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 10, all in T82N, R7W of
the 5th P.M., in the City of Cedar Rapids, Linn County, Iowa.

The Iowa State Highway Commission dismisses, without prejudice,
the above-entitled proceeding against the following party only:

Larry D. Henkes, Swisher, Iowa

Dated at Ames, Iowa, this 30th day of May, 1972.

IOWA STATE HIGHWAY COMMISSION

RICHARD C. TURNER
Attorney General of Iowa

Asher E. Schroeder

ASHER E. SCHROEDER
Special Assistant Attorney
General and Counsel to the
Iowa State Highway Commission

Filed in my office at Ames, Iowa, this 1 day
of June, 1972.

W. J. [Signature]
SHERIFF OF
COUNTY, IOWA

W.L.H.

W. J. [Signature]

Form 487
7-71

Vol 1537 Page 524

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
Interstate Route No. 380 in the
Primary Road No.

NOTICE OF APPRAISEMENT
OF DAMAGES AND TIME FOR
APPEAL

City of Cedar Rapids
Located in Linn County, Iowa
Project No. 1-380-6(22758)-01-57
Group "C"
Parcel No. 2010

TO:

	Land & Improvements	Consequential Damages	Moving Pers. Prop. (\$500 Max.)
PARCEL 2010 Mac Stoner Orrick; United State Bank; City of Cedar Rapids; Linn County	\$100,275.00	\$17,500.00	0
		Total Award	Condemnees' Atty. Fees and Costs
		\$117,775.00	NONE

The Total Award, shown above, pursuant to request, is divided into parts, as follows:

1. Value of Condemnees Dwelling \$ 10,000.00
2. Value of Land and Improvements, other than the Condemnees Dwelling, acquired by the Condemnor \$ 90,275.00

You and each of you are hereby notified that the duly appointed and qualified commissioners assessed and appraised the damages sustained by reason of the condemnation as set out above, and that pursuant to Section 472.18 of the Code of Iowa, as amended by House File 215, Acts of the 64th General Assembly, you may within thirty (30) days from the date of mailing of this Notice, appeal to the district court as by law provided.

Date: 23rd Day of MAY, 19 72

Walter H. Grant SHERIFF BY David R. Webster Linn COUNTY, IOWA

BY: DAVID R..WEBSTER, DEPUTY

Form 497
7-71

In the Matter of the Condemnation of Certain
Rights in Land by the Iowa State Highway Com-
mission for the Use and Benefit of the State
of Iowa in the Improvement of
Interstate Route No. 380 in the
Primary Roadway.

VOL 1537 PAGE 525

REPORT OF COMPENSATION
COMMISSION

City of Cedar Rapids

located in Linn County, Iowa

Project No. I-380-6(22)258--01-57

Group "C"

TO: Walter H. Grant, Sheriff of Linn County, Iowa

We, the undersigned, being the duly appointed and qualified commissioners appointed to assess the damages sustained by the owners, lienholders, encumbrancers, and other persons interested in the appropriation of certain specified rights as set forth and described in the Application filed in the above entitled matter 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 which the respective persons will sustain by reason of the appropriation as follows:

PARCEL 2010

Mae Stoner Orrick; United State Bank; City of Cedar Rapids, Linn County, Iowa

Land & Improvements	Consequential Damages	Moving Pers. Prop. (\$500 Max.)
\$ 57	\$	\$ 0
Total Award		Condemnees' Atty. Fees and Costs
\$		\$

The Total Award, shown above, pursuant to request, is divided into parts, as follows:

1. Value of Condemnees Dwelling \$
2. Value of Land and Improvements, other than the Condemnees Dwelling, acquired by the Condemnor \$

Respectfully reported at Cedar Rapids, Iowa, this 22nd day of May, 1972

I certify that the above amounts are legally payable to each claimant and that the claim is correct and just and that payment has not been received.

Filed in my office at Cedar Rapids, Iowa, this 23 day of May, 1972

W.H. Grant
Sheriff Linn County, Iowa
By: [Signature]

Vol 1537 PAGE 526

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 Interstate Route No. 380 in the City of Cedar Rapids
Primary Road: No:

ENDORSEMENT OF SHERIFF OF MAILING OF NOTICE OF APPRAISEMENT OF DAMAGES AND TIME FOR APPEAL

located in Linn County, Iowa

Project No. T-290-6(22)258--01-57

Group "A"

I, the undersigned, Sheriff of Linn County,

Iowa, hereby endorse and certify to the Report of Compensation Commission; appearing upon the

opposite side hereof that I have mailed by ordinary mail on this 23 day of May.

1974, the attached Notices of Appraisement of Damages and Time for Appeal to each of the persons

to which they are addressed.

Attest
SHERIFF OF Linn COUNTY, IOWA
By: Mark W. [Signature]
[Signature]

Form 110
1-7-70

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
Interstate Route No. I-380 in the
~~Primary Road No.~~
City of Cedar Rapids

VOL 1537 PAGE 527

AFFIDAVIT OF FINAL OFFER

located in Linn County, Iowa
Project No. I-380-6(22)258--01-57
Group "C"

On this the 23rd day of May, 19 72, comes the Iowa
State Highway Commission and states, as by law provided, that the most recent offers made to the
owners, lienholders, encumbrancers and other persons interested in the appropriation of certain
specified rights in certain land as described by the Applicant in the Application filed in the above
matter are as follows:

(Names as on Notice)

Parcel 2010
Mae Stoner Orrick;
United State Bank;
City of Cedar Rapids;
Linn County

\$117,725⁰⁰

IOWA STATE HIGHWAY COMMISSION

BY: [Signature] Willis Youells
Gordon A. Sweitzer
Right of Way Director

Subscribed and sworn to before me this 23rd day of May
19 72 .

[Signature]
Notary Public in and for ~~Stark County, Iowa~~

Filed in my office at Cedar Rapids, Iowa, this 23rd day of May
, 19 72 .

[Signature]
Sheriff of _____ County, Iowa

1537 PAGE 528

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
Interstate Route No. 380 in the
~~Bridge Road No.~~

Form 494

OATH OF COMMISSIONERS

City of Cedar Rapids

located in Linn County, Iowa

Project No. I-380-6(22)358--01-57

Group "C"

STATE OF IOWA)
)ss
LINN County)

Each of the undersigned being duly sworn says:

That I do possess the qualifications listed under my name below, and
That I do not possess any interest in the proceeding, which would cause me to
render a biased decision, and
That I will, to the best of my ability, faithfully and impartially assess the damages
which owners, lienholders, encumbrancers and other persons interested in the land from
which certain rights are sought to be appropriated by these proceedings will sustain by
reason of the appropriation of the rights as set forth and described in the Application
in the Office of the sheriff for the improvement and/or the maintenance of primary roads
and/or for highway drainage and make a written report to the sheriff as authorized and
prescribed in Chapters 306, 306A, 306B, 313, 471 and 472, Code of Iowa, 1971 and
any amendments thereto, and in accordance with the instructions of the Chief Justice
of the Supreme Court, and will well and truly perform any and all other duties imposed
upon me by law as a member of the compensation commission selected and appointed to
assess said damages.

Name: Vern Oliphant
Licensed Real Estate Salesman or Broker

Name: Ralph Whitlock
Licensed Real Estate Salesman or Broker

Name: George Hill
Knowledgeable of Property Values by
Virtue of Occupation

Name: Carl Newell
Knowledgeable of Property Values by Virtue
of Occupation

Name: George Bowler
(As appropriate to type of property
involved) other than Agricultural

Name: R.B. Wolfe
(As appropriate to type of property
involved) other than Agricultural

Subscribed and sworn to before me this 23rd day of May, 1972

Ruth Lovelace *Ruth T. Lovelace*
(Notary Public) in and for said
(Clerk of Court) County and State

Filed in my office at Cedar Rapids, Iowa, this 23rd day of May, 1972

Walter H. Grand
Sheriff of Linn County, Iowa
By: David R. Webster, Deputy

INSTRUCTIONS TO CONDEMNATION COMMISSIONERS FROM IOWA CHIEF JUSTICE

You have been selected as a compensation commissioner to determine and assess damages to property condemned for a public use under the power of eminent domain.

Pursuant to the provisions of section 5, Senate File 1171, Acts of the 52nd General Assembly, you are instructed as follows:

The Constitution prohibits the taking of private property for a public use without just compensation. Governmental units and certain utilities are authorized by statute to condemn private property or a certain use thereof for public purposes and it is your duty to fix a just compensation for that taking or use. You shall arrive at such compensation in a fair and impartial manner and on an independent basis without taking into consideration any advantages or benefits which may accrue to the property from such public use. The property owner is entitled to be made whole but double recovery is not allowed.

Where the entire property unit is taken, the measure of damages is the fair market value of the property immediately before condemnation and before such value has been affected by the proposed public use. Where only a portion of the property unit is taken, including certain rights such as an easement, the measure of damages is the difference between the fair market value of the property as a whole immediately before condemnation and before it has been affected by the proposed public use and the fair market value of what is left after the taking. Any advantage which may accrue to the remaining property by reason of the public use is not to be considered. Substantially the same measure applies to damages to a leasehold.

Allowance shall be made to the owner for any personal property damaged or destroyed, for the cost of removing and replacing fences and removing buildings onto abutting property of the owner.


Allowance shall be made for cost, if any, of removing personal property a distance not to exceed 25 miles but not over \$500.

In arriving at the fair market value of the property you shall not consider evidence or information regarding prior negotiations between the parties. However, when you report the commission's award to the sheriff, if it exceeds 110% of the condemnor's final offer, he will so advise you and you will then determine and fix reasonable attorney fees and costs, if any, incurred by the condemnee in presenting his case before your commission.

You will be in charge of the sheriff who will administer the oath to you and furnish transportation to and from the site of the property or properties you are required to view.

These brief and general instructions do not purport to enumerate all problems which might confront you but the position of the parties or their attorneys on any additional problems may be explained to you at the time of the hearing.

Prepared at Des Moines, Iowa this 25th day of June, 1970.


C. EDWIN MOORE, CHIEF JUSTICE
SUPREME COURT OF IOWA

FW 1537
ME 529

1537 530



Department of Justice

RICHARD C. TURNER
ATTORNEY GENERAL
ASHER E. SCHROEDER
SPECIAL ASSISTANT ATTORNEY GENERAL
HIGHWAY COMMISSION

ADDRESS REPLY TO
DEPARTMENT OF
JUSTICE
100 IOWA STATE BAY COMM
AMT 50004 50210

May 26, 1972

Linn County Sheriff
Linn County Courthouse
Cedar Rapids, Iowa

Dear Sheriff:

RE: Linn County Condemnation, I-380-6(22)258--01-57, Group "C"

Enclosed herein for consolidation in your file is service copy
from the Johnson County Sheriff for Larry D. Henkes.

Thank you for your cooperation in this regard.

Very truly yours,

ASHER E. SCHROEDER
Special Assistant Attorney General

ABS:cf
Enclosure

M 2 6 '72

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

Form 495, Sheet 1

VOL 1537 PAGE 531

Interstate Route No. 380 in the

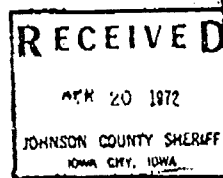
NOTICE

City of Cedar Rapids

located in Linn County, Iowa

Project No. I-380-6(22)258--01-57

Group "C"



TO:

Mae Stoner Orrick, 5353 Bowling Street SW, Cedar Rapids, Iowa
 United State Bank, Cedar Rapids, Iowa
 Larry D. Henkes, Swisher, Iowa
 Linn County, Iowa, c/o County Auditor, Cedar Rapids, Iowa
 City of Cedar Rapids, Iowa, c/o City Clerk, Cedar Rapids, Iowa
 and to all other persons, companies or corporations having any interest in or owning any of the following described real estate:

NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 9, part of NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 10, all in T82N, R7W of the 5th P.M., in the City of Cedar Rapids, Linn 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 Linn County, Iowa, and in the Office of the Sheriff of Linn 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 NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 9 and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 10, both in T82N, R7W of the 5th P.M., unplatted in the City of Cedar Rapids, Linn County, Iowa, lying on both sides of part of the following described centerline of Bowling Street, on both sides of part of the following described Baseline of Ramp "P" of Primary Road No. U.S. 30, on both sides of part of the following described centerline of Miller Avenue Extension, and on both sides of part of the following described centerline of Proposed Frontage Road, all as shown on the plat Exhibit "A" attached hereto and by reference made a part hereof.

The centerline of Bowling Street, designated by station points 100 feet apart, numbered consecutively from south to north, is described as follows: Commencing at the W. Corner of said Sec. 9, thence East along the north line of the SW $\frac{1}{4}$ of said Sec. 9 1747.2 ft., thence N3 $^{\circ}$ 34 $'$ E 10.3 ft., thence N89 $^{\circ}$ 59 $'$ E 1123.0 ft., thence N89 $^{\circ}$ 35 $'$ E 2448.0 ft., thence S2 $^{\circ}$ 07 $'$ E 603.6 ft. to Sta. 657+28.6, the Point of Beginning, thence continuing S2 $^{\circ}$ 07 $'$ E 728.6 ft. to Sta. 650+00.

The Baseline of Ramp "P" of Primary Road No. U.S. 30, designated by station points 100 feet apart, numbered consecutively from east to west, is described as follows: Beginning at Sta. 6208+66.5, a point on the centerline of Bowling Street located at Sta. 657+28.6, thence N77 $^{\circ}$ 49 $'$ W 1453.5 ft. to Sta. 6223+00.

The centerline of Miller Avenue Extension, designated by station points 100 feet apart, numbered consecutively from west to east, is described as follows: Beginning at Sta. 115+28.6, a point on the centerline of Bowling Street located at Sta. 654+55.6, thence N88 $^{\circ}$ 24 $'$ W 957.5 ft. to Sta. 105+71.0, thence westerly 322.0 ft. along a 7639.4 ft. radius curve, concave southerly and tangent to the preceding and following courses, to Sta. 102+49.0, thence S89 $^{\circ}$ 11 $'$ W 249.0 ft. to Sta. 100+00.

The centerline of Proposed Frontage Road, designated by station points 100 feet apart, numbered consecutively from west to northeast, is described as follows: Beginning at

Linn County Project I-380-6(22)258--01-57
 Mae Stoner Orrick (Parcel 2010)
 Continued on next sheet

Sheet 1
 of 3

Linn County Project 1-380-6(22)258--01-57
 Mae Stoner Orrick (Parcel 2010)

Form 797, Sheet 2

Vol 1537
 Page 532

Sta. 115+28.6, a point on the centerline of Bowling Street located at Sta. 651+55.6, thence N88°08'E 73.1 ft. to Sta. 116+01.7, thence northeasterly 387.7 ft. along a 603.1 ft. radius curve, concave northwesterly and tangent to the preceding and following courses, to Sta. 119+86.4, thence N51°35'E 413.6 ft. to Sta. 124+00.

Said parcel is described as follows: Beginning at the E. Corner of said Sec. 9, thence westerly along the north line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec. 9 to the west line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$, thence southerly along said west line to a point 125 ft. normally distant southerly from baseline of Ramp "F", thence to a point 125 ft. normally distant southerly from Baseline of Ramp "F" on the westerly right of way line of Bowling Street, thence southerly along said westerly right of way line to a point 40 ft. normally distant northerly from centerline of Miller Avenue Extension, thence parallel to or concentric with centerline of Miller Avenue Extension to a point 40 ft. normally distant northerly from said centerline on the west line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$, thence southerly along said west line to a point 40 ft. normally distant southerly from centerline of Miller Avenue Extension, thence parallel to or concentric with centerline of Miller Avenue Extension to a point 40 ft. normally distant southerly from said centerline on the westerly right of way line of Bowling Street, thence southerly along said westerly right of way line to the south line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$, thence easterly along said south line and the south line of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Sec. 10 to the easterly right of way line of Bowling Street, thence northerly along said easterly right of way line to a point normally distant easterly from Sta. 650+00 (Bowling St.), thence to a point 70 ft. normally distant southerly from Sta. 116+00 (Prop. Frontage Road), thence to a point 100 ft. radially distant southeasterly from Sta. 118+00, thence to a point 70 ft. normally distant southeasterly from centerline of Proposed Frontage Road on the south line of the North 679.23 Feet of said NW $\frac{1}{4}$ SW $\frac{1}{4}$, thence westerly along said south line to the east line of the West 300 Feet of said NW $\frac{1}{4}$ SW $\frac{1}{4}$, thence northerly along said east line to the north line of the South 179.23 Feet of the North 679.23 Feet of said NW $\frac{1}{4}$ SW $\frac{1}{4}$, thence westerly along said north line to the east line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$, thence northerly along said east line to the E. Corner of said Sec. 9, the Point of Beginning.

Said parcel contains 18.4 acres, more or less, exclusive of the present established roads.

Note: The north line of the SW $\frac{1}{4}$ of said Sec. 9 is assumed to bear East and West.

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

1. No rights of direct access to and from Primary Road No. 225, 30, including its interchange ramps and approaches thereto, shall inure to that portion of the condemnees' remaining property abutting thereon.
2. All rights of direct access between Bowling Street and that portion of the condemnees' remaining property abutting thereon, north of Sta. 651+00, are condemned.
3. Miller Avenue Extension and Proposed Frontage Road are not being constructed as controlled access facilities and the right of reasonable, free and convenient access thereto shall inure to that portion of the condemnees' remaining property abutting thereon.
4. Any and all improvements, including fences, located wholly within the land sought in fee simple title are condemned in their entirety.
5. Any drainage tile lines, or outlets, which are located within the land being acquired under this proceeding, 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. The temporary easement rights, if any so acquired, shall terminate immediately upon completion of said restoration and in no event later than December 31, 1976.
6. In the event the owner is the occupant of the property on the date of condemnation, he shall not be dispossessed of the right of possession of the dwelling house, outhouse, orchard, or garden until the condemning authority shall have the right to take possession at either the time the damages have been finally determined and paid, or one hundred eighty (180) days after the date of condemnation and filing of the award in which event payment of all the appraisement of damages shall be paid to the owner before the dis-possession can take place.

Linn County Project 1-380-6(22)258--01-57
 Mae Stoner Orrick (Parcel 2010)

Sheet 2
 of 3

Form 495, Sheet

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.

Vol 1537 Page 533

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 23 day of May, 1972, at 10:00 o'clock, a.m. (C d t) 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 Asher E. Schroeder
ASHER E. SCHROEDER
Special Assistant Attorney General
and Counsel to the Iowa State Highway
Commission, Ames, Iowa 50010

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

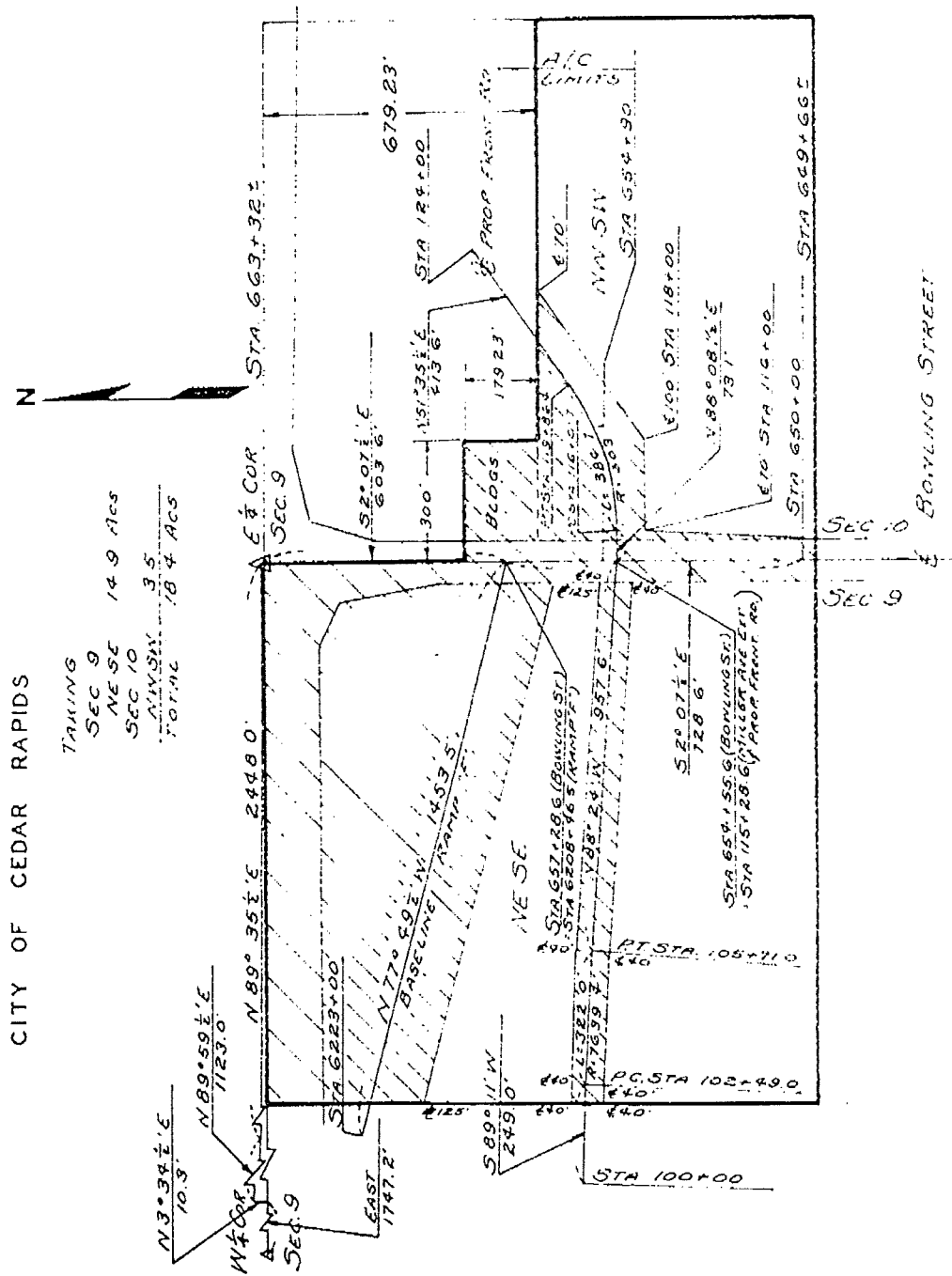
ROW 137
5-11-70

THE IOWA STATE HIGHWAY COMMISSION
RIGHT OF WAY PLAT
EXHIBIT "A"



1537 534

COUNTY LINN STATE CONTROL NO. 17
PROJECT NO. 1-380-6(22)258-01-57, PARCEL NO. 2010
SECTION 9, 10 TOWNSHIP 82 N RANGE 7 W
PERMANENT 18.4 ACRES TEMPORARY ACRES
R/W LIMITS: STA. 649+66± (Bowling St) TO STA. 669+32± (Bowling St)
A/C LIMITS: STA. 654+90 TO STA. 669+32±
OWNER: MAE STONER LORRICK



CITY OF CEDAR RAPIDS

TAKING
SEC 9 14.9 ACES
NE SE
SEC 10 3.5
TOTAL 18.4 ACES

The State of Iowa } Return of Service of Original Notice. VOL 1537 PAGE 535
County

The within notice received this _____ day of _____, 19____, and I certify that I served the same on the defendants named below by delivering a copy thereof to each of said defendants personally at the time and place set opposite their respective names:

Name of Defendants	Month	Day	Year	City, Town or Township	County	State

PAYMENT RECEIVED
 MAY 23 1972
 102678525
 IOWA COUNTY SHERIFF
 as. Maynard Schepeler

Fees
 Service \$ _____
 Copies \$ _____
 Mileage \$ _____
 Total \$ _____

Official Title

23 29 / 14

The State of Iowa } as. Maynard Schepeler
 County } Return of Service of Original Notice.
 The within notice received this _____ day of _____, 19____, and I certify that on the _____ day of _____, 19____, I served the same on the defendant _____ at his dwelling house or usual place of abode in the City, Town or Township of _____ in _____ County, State of Iowa, and which place was not a rooming house, hotel, club or apartment building, by there delivering a copy thereof to _____, a person residing therein who was then at least eighteen years old.

Official Title

The State of Iowa } as. _____
 County } Return of Service of Original Notice.
 The within notice received this _____ day of _____, 19____, and I certify that on the _____ day of _____, 19____, I served the same on the defendant _____ at his dwelling house or usual place of abode in the City, Town or Township of _____ in _____ County, State of Iowa, by there delivering a copy thereof to _____, a person residing therein who was then at least 18 years old. That such place was a rooming house, hotel, club or apartment building (1), and the person to whom the copy was delivered was _____ (2).

Official Title

(1) Strike out the words that are not appropriate.
 (2) Insert "a member of defendant's family" or "the manager, clerk, proprietor or custodian of such place" as may properly state the facts.

The State of Iowa } as. _____
 County } Return of Service of Original Notice.
 The within notice received this _____ day of _____, 19____, and I certify that on the _____ day of _____, 19____, I served the same on the defendant _____ (1), by delivering a copy thereof to _____ (2) of said defendant, in the City, town or Township of _____ in _____ County, State of Iowa.

Official Title

(1) Designate whether defendant a partnership, corporation, association or individual usable under a common name, etc., as may be appropriate under Rule 54.
 (2) Designate whether an officer, agent, general partner, etc., as may be appropriate under Rule 56.

VOL 1537 PAGE 536



Department of Justice

RICHARD C. TURNER
ATTORNEY GENERAL
ASHER E. SCHROEDER
SPECIAL ASSISTANT ATTORNEY GENERAL
HIGHWAY COMMISSION

ADDRESS HERE TO
DEPARTMENT OF
JUSTICE
IOWA STATE HWY COMM
AMES, IOWA 50010

April 24, 1972

Linn County Sheriff
Linn County Courthouse
Cedar Rapids, Iowa

Dear Sheriff:

RE: Linn County Condemnation, I-380-6(22)258--01-57, Group "C"

Enclosed herein is the Supplementary Order Appointing Alternate Compensation Commissioner signed by the Chief Judge appointing Ralph Whitlock as an alternate commissioner to replace Frank Byers as he is unable to serve as a commissioner on the date scheduled for this hearing. Please file this Order with the papers pertaining to this condemnation.

Also enclosed are Summonses to be mailed to Ralph Whitlock with the request that he return one signed copy to you. The copy to be retained by the alternate commissioner has attached to it the Notices of Condemnation which indicate all persons and real estate affected by the Condemnation on which he will serve.

Very truly yours,

ASHER E. SCHROEDER
Special Assistant Attorney General

AES:cf
Enclosures

Form 482
7-77

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

VOL 1537 PAGE 537

Interstate Route
Primary Road No. No. 310 in the

**SUPPLEMENTARY ORDER
APPOINTING ALTERNATE
COMPENSATION COMMISSIONERS**

City of Cedar Rapids

located in Linn County, Iowa

Project No. E-380-5(27)298--01-57

Group "a"

An Application for Condemnation having been filed with me by the Iowa State Highway Commission, entitled as above, for the selection and appointment, by lot, of a duly constituted compensation commission, and said selection and appointment having been made by me, I further, DESIGNATE, SELECT, and APPOINT the following persons to serve as alternate members of said compensation commission, in the event that any of the said members having the same qualifications are unable to serve for any reason.

NAME	ADDRESS	QUALIFICATION
Ralph Whitlock	Nt. Vernon	Licensed Real Estate Salesman or Broker
John Erbes	Central City	Knowledgeable of Property Values by Virtue of Occupation
Eldon McMillen	Marion	Apprentice or Other than Agricultural

The Sheriff of Linn County, Iowa, shall upon being informed of a vacancy in the compensation commission, notify the alternate member appointed having the same qualifications as the person unable to serve in the same manner as the original commissioners were notified.

Dated at Cedar Rapids, Iowa, this 14 day of April, 1972.

Harold O. Vietor
JUDGE OF THE 6 JUDICIAL DISTRICT,
including Linn County,
Iowa.

Filed in my office at _____, Iowa, this _____ day of _____, 19____.

SHERIFF OF Linn COUNTY, IOWA

VOL 1537 PAGE 538

OFFICERS RETURN OF SERVICE

STATE OF IOWA }
LINN COUNTY } ss.

The attached notice with copy of ~~Return~~ plat received this 20 day of APRIL 1972
and I certify that on the 20 day of APRIL 1972, I served the same on

UNITED STATE BANK, Defendant,
by delivering a copy thereof to LOUISE SWARTZ, ASSISTANT VICE PRESIDENT of said company
in the Township of RAPIDS in LINN County, State of Iowa.

By DAVID R. WEBSTER, Deputy Sheriff. W. H. GRANT, Sheriff of Linn County, Iowa

FEES
Service \$ 50
Copies \$ 25
Mileage \$ 2.00 (2)
Total \$ 2.75

SA-114

OFFICERS RETURN OF SERVICE

STATE OF IOWA }
LINN COUNTY } ss.

The attached notice with copy of ~~Return~~ plat received this 20 day of APRIL 1972, and I certify that I served the same on the defendants named below by delivering a copy thereof to each of said defendants personally at the time and place set opposite their respective name.

Name of Defendants	Month	Day	Year	Township	County	State
MAE STONER ORRICK	APRIL	20	1972	RAPIDS	LINN	IA.

By DAVID R. WEBSTER, Deputy Sheriff. W. H. GRANT, Sheriff Linn County, Iowa

FEES
Service \$ 75
Copies \$ 25
Notary \$
Mileage \$ 20
Total \$ 1.20

SA-116

OFFICERS RETURN OF SERVICE

VOL 1537 PAGE 539

STATE OF IOWA }
LINN COUNTY } ss.

The attached notice with copy of ~~Return~~ plat received this 20 day of APRIL 19 72
and I certify that on the 20 day of APRIL 19 72, I served the same on
CITY OF CEDAR RAPIDS, IOWA

Defendant,
DONALD CANNEY, MAYOR
by delivering a copy thereof to _____ of said ~~county~~ CITY
in the Township of RAPIDS in LINN County, State of Iowa,

By DAVID R. WEBSTER Deputy Sheriff, W. H. GRANT, Sheriff of Linn County, Iowa

FEES

Service \$ 50
Copies \$ 25
Mileage \$ 1.00
Total \$ 1.75

SA-114

OFFICERS RETURN OF SERVICE

VOL 1537 PAGE 539

STATE OF IOWA }
LINN COUNTY } ss.

The attached notice with copy of ~~Return~~ PLAT received this 20 day of APRIL 19 72
and I certify that on the 20 day of APRIL 19 72, I served the same on
LINN COUNTY, IOWA

Defendant,
ARTHUR WILLIAMS, COUNTY AUDITOR
by delivering a copy thereof to _____ of said ~~county~~ COUNTY
in the Township of RAPIDS in LINN County, State of Iowa,

By DAVID R. WEBSTER Deputy Sheriff, W. H. GRANT, Sheriff of Linn County, Iowa

FEES

Service \$ 50
Copies \$ 25
Mileage \$ 20
Total \$ 95

SA-114

VOL 1537 PAGE 540

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

Form 495, Sheet 1

Interstate Route No. 380 in the

NOTICE

City of Cedar Rapids

located in Linn County, Iowa

Project No. I-380-6(22)258--01-57

Group "C"

REC'D
MAY 10 1957

TO:

Mae Stoner Orrick, 5353 Bowling Street SW, Cedar Rapids, Iowa
United State Bank, Cedar Rapids, Iowa
Larry D. Henkes, Swisher, Iowa
Linn County, Iowa, c/o County Auditor, Cedar Rapids, Iowa
City of Cedar Rapids, Iowa, c/o City Clerk, Cedar Rapids, Iowa
and to all other persons, companies or corporations having any interest in or owning any of the following described real estate:

NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 9, part of NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 10, all in T82N, R7W of the 5th P.M., in the City of Cedar Rapids, Linn 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 Linn County, Iowa, and in the Office of the Sheriff of Linn 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 NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 9 and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 10, both in T82N, R7W of the 5th P.M., unplatted in the City of Cedar Rapids, Linn County, Iowa, lying on both sides of part of the following described centerline of Bowling Street, on both sides of part of the following described Baseline of Ramp "F" of Primary Road No. U.S. 30, on both sides of part of the following described centerline of Miller Avenue Extension, and on both sides of part of the following described centerline of Proposed Frontage Road, all as shown on the plat Exhibit "A" attached hereto and by reference made a part hereof.

The centerline of Bowling Street, designated by station points 100 feet apart, numbered consecutively from south to north, is described as follows: Commencing at the W. Corner of said Sec. 9, thence East along the north line of the SW $\frac{1}{4}$ of said Sec. 9 1747.2 ft., thence N3°34'1"E 10.3 ft., thence N89°59'1"E 1123.0 ft., thence N89°35'1"E 2448.0 ft., thence S2°07'1"E 603.6 ft. to Sta. 657+28.6, the Point of Beginning, thence continuing S2°07'1"E 728.6 ft. to Sta. 650+00.

The Baseline of Ramp "F" of Primary Road No. U.S. 30, designated by station points 100 feet apart, numbered consecutively from east to west, is described as follows: Beginning at Sta. 6208+46.5, a point on the centerline of Bowling Street located at Sta. 637+28.6, thence N77°49'1"W 1453.5 ft. to Sta. 6223+00.

The centerline of Miller Avenue Extension, designated by station points 100 feet apart, numbered consecutively from west to east, is described as follows: Beginning at Sta. 115+28.5, a point on the centerline of Bowling Street located at Sta. 654+55.0, thence N88°24'1"W 957.6 ft. to Sta. 105+71.0, thence westerly 322.0 ft. along a 7639.4 ft. radius curve, concave southerly and tangent to the preceding and following courses, to Sta. 102+49.0, thence S89°11'1"W 249.0 ft. to Sta. 100+00.

The centerline of Proposed Frontage Road, designated by station points 100 feet apart, numbered consecutively from west to northeast, is described as follows: Beginning at

Linn County Project I-380-6(22)258--01-57
Mae Stoner Orrick (Parcel 2010)
Continued on next sheet

Sheet 1
of 3

Linn County Project 1-380-6(22)258--01-57
Mae Stoner Orrick (Parcel 2010)

Form 495, Sheet 2

Sta. 115+28.6, a point on the centerline of Bowling Street located at Sta. 654+55.6, thence $N88^{\circ}08'1''E$ 73.1 ft. to Sta. 116+01.7, thence northeasterly 384.7 ft. along a 603.1 ft. radius curve, concave northwesterly and tangent to the preceding and following courses, to Sta. 119+86.4, thence $N51^{\circ}35'5''E$ 413.6 ft. to Sta. 124+00.

Said parcel is described as follows: Beginning at the E $\frac{1}{2}$ Corner of said Sec. 9, thence westerly along the north line of the NE $\frac{1}{2}$ SE $\frac{1}{4}$ of said Sec. 9 to the west line of said NE $\frac{1}{2}$ SE $\frac{1}{4}$, thence southerly along said west line to a point 125 ft. normally distant southerly from Baseline of Ramp "F", thence to a point 125 ft. normally distant southerly from Baseline of Ramp "F" on the westerly right of way line of Bowling Street, thence southerly along said westerly right of way line to a point 40 ft. normally distant northerly from centerline of Miller Avenue Extension, thence parallel to or concentric with centerline of Miller Avenue Extension to a point 40 ft. normally distant northerly from said centerline on the west line of said NE $\frac{1}{2}$ SE $\frac{1}{4}$, thence southerly along said west line to a point 40 ft. normally distant southerly from centerline of Miller Avenue Extension, thence parallel to or concentric with centerline of Miller Avenue Extension to a point 40 ft. normally distant southerly from said centerline on the westerly right of way line of Bowling Street, thence southerly along said westerly right of way line to the south line of said NE $\frac{1}{2}$ SE $\frac{1}{4}$, thence easterly along said south line and the south line of the NW $\frac{1}{2}$ SW $\frac{1}{4}$ of said Sec. 10 to the easterly right of way line of Bowling Street, thence northerly along said easterly right of way line to a point normally distant easterly from Sta. 650+00 (Bowling St.), thence to a point 70 ft. normally distant southerly from Sta. 116+00 (Prop. Frontage Road), thence to a point 100 ft. radially distant southeasterly from Sta. 118+00, thence to a point 70 ft. normally distant southeasterly from centerline of Proposed Frontage Road on the south line of the North 679.23 Feet of said NW $\frac{1}{2}$ SW $\frac{1}{4}$, thence westerly along said south line to the east line of the West 300 Feet of said NW $\frac{1}{2}$ SW $\frac{1}{4}$, thence northerly along said east line to the north line of the South 179.23 Feet of the North 679.23 Feet of said NW $\frac{1}{2}$ SW $\frac{1}{4}$, thence westerly along said north line to the east line of said NE $\frac{1}{2}$ SE $\frac{1}{4}$, thence northerly along said east line to the E $\frac{1}{2}$ Corner of said Sec. 9, the Point of Beginning.

Said parcel contains 18.4 acres, more or less, exclusive of the present established roads.

Note: The north line of the SW $\frac{1}{4}$ of said Sec. 9 is assumed to bear East and West.

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

1. No rights of direct access to and from Primary Road No. U.S. 30, including its interchange ramps and approaches thereto, shall inure to that portion of the condemnees' remaining property abutting thereon.
2. All rights of direct access between Bowling Street and that portion of the condemnees' remaining property abutting thereon, north of Sta. 654+00, are condemned.
3. Miller Avenue Extension and Proposed Frontage Road are not being constructed as controlled access facilities and the right of reasonable, free and convenient access thereto shall inure to that portion of the condemnees' remaining property abutting thereon.
4. Any and all improvements, including fences, located wholly within the land sought in fee simple title are condemned in their entirety.
5. Any drainage tile lines, or outlets, which are located within the land being acquired under this proceeding, 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. The temporary easement rights, if any so acquired, shall terminate immediately upon completion of said restoration and in no event later than December 31, 1976.
6. In the event the owner is the occupant of the property on the date of condemnation, he shall not be dispossessed of the right of possession of the dwelling house, outhouse, orchard, or garden until the condemning authority shall have the right to take possession at either the time the damages have been finally determined and paid, or one hundred eighty (180) days after the date of condemnation and filing of the award in which event payment of all the appraisal of damages shall be paid to the owner before the dis-possession can take place.

Linn County Project 1-380-6(22)258--01-57
Mae Stoner Orrick (Parcel 2010)

Sheet 2
of 3

Vol 1537
Page 541

1537 542

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 23 day of May, 1972, at 10:00 o'clock, a.m. (CDE) 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 Asher E. Schroeder
ASHER E. SCHROEDER
Special Assistant Attorney General
and Counsel to the Iowa State Highway
Commission, Ames, Iowa 50010

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

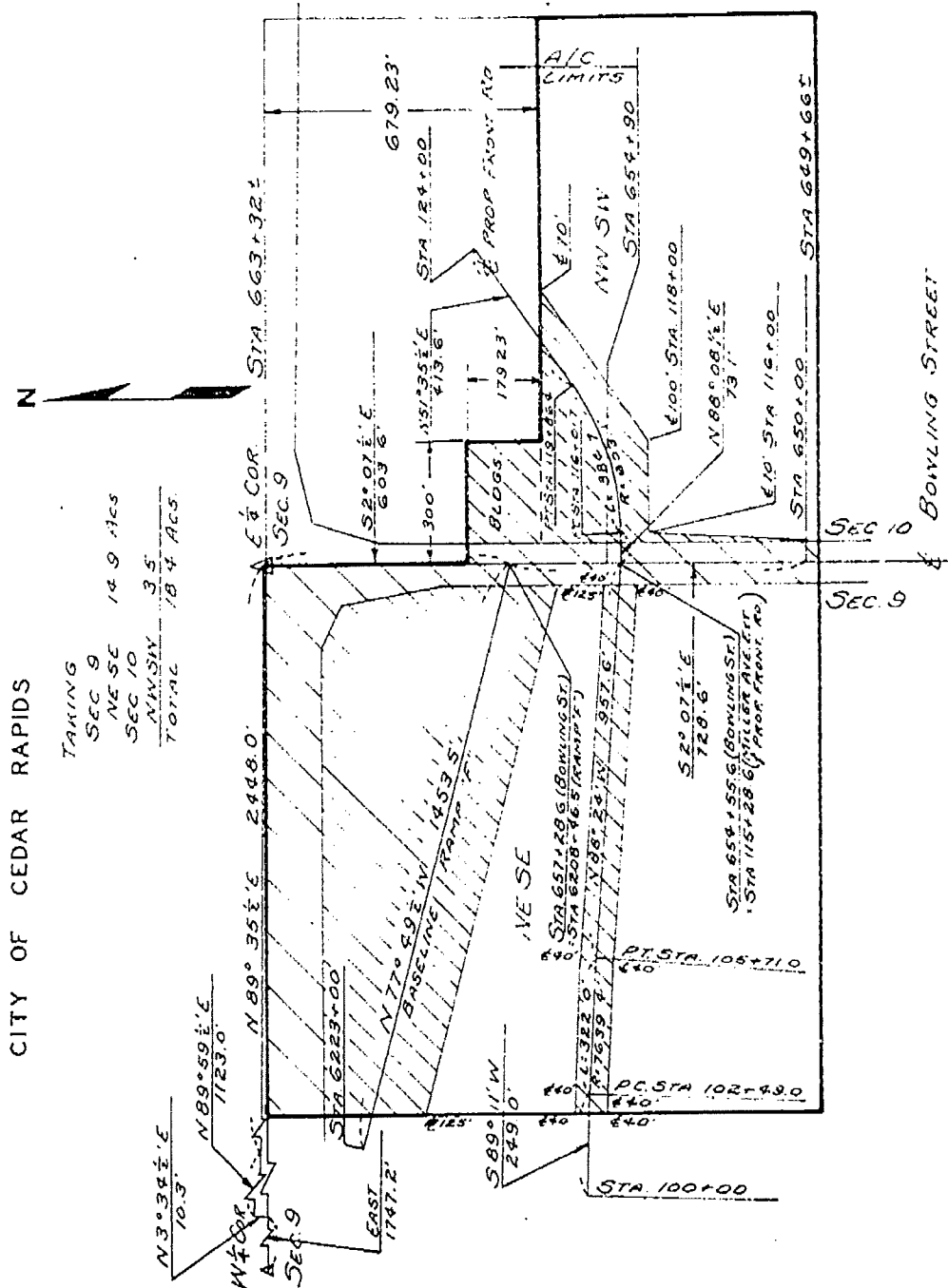
ROW 137
5-1-70

THE IOWA STATE HIGHWAY COMMISSION
RIGHT OF WAY PLAT
EXHIBIT "A"



W 1537 P 543

COUNTY LINN STATE CONTROL NO. 17
PROJECT NO. 1-380-6(22)258-01-57 PARCEL NO. 2010
SECTION 9, 10 TOWNSHIP 82N RANGE 7W
PERMANENT 18.4 ACRES TEMPORARY ACRES
R/W LIMITS: STA. 649+66.5 (Bowling St) TO STA. 663+32.5 (Bowling St)
A/C LIMITS: STA. 654+90 TO STA. 663+32.5
OWNER: MAE STONER, ORBICK



WI 1537 PAGE 544

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

Form 492

Interstate Route
~~Primary Road No.~~ No. 390 In the
City of Cedar Rapids

SELECTION AND APPOINTMENT
OF COMPENSATION COMMISSIONERS
BY THE CHIEF JUDGE OF THE 5th
JUDICIAL DISTRICT

located in Winn County, Iowa

Project No. 1-390-6(22)058-01-97

Group "A"

An Application for Condemnation having been filed with me by the Iowa State Highway Commission for the selection and appointment, by lot, of six suitable persons as the law provides to act as a compensation commission to assess and appraise the damages sustained by reason of the condemnation of certain specified rights in 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 compensation commission required in this matter the following persons:

NAME	ADDRESS	QUALIFICATIONS
VERN OLIPHANT	Center Point	Licensed Real Estate Salesman or Broker
FRANK BYERS	Cedar Rapids	Licensed Real Estate Salesman or Broker
George Hill	Cedar Rapids	Knowledgeable of Property Values by Virtue of Occupation
Carl B. Newell	Cedar Rapids	Knowledgeable of Property Values by Virtue of Occupation
George Bowler	Hiawatha	Member and appraiser
R. B. Wolfe	Mt. Vernon	Member and appraiser

I further designate, select, and appoint, the above named Vern Oliphant to act as Chairman of said commission.

TO THE SHERIFF OF WINN COUNTY, IOWA: Attached hereto please find a duplicate of the Application for Condemnation in the above-entitled matter.

Dated at Cedar Rapids, Iowa, this 14 day of April, 1972.

Harold D. Cook
Chief Judge of the 5th Judicial District
Including Winn County, Iowa

Filed in my office at Winn, Iowa, this 14 day of April, 1972.

Walter H. ...
Sheriff of Winn County, Iowa

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 Interstate Route ~~200000~~ No. 380 in the

APPLICATION TO THE CHIEF JUDGE OF THE 6th JUDICIAL DISTRICT FOR THE APPOINTMENT OF A COMMISSION TO APPRAISE DAMAGES

City of Cedar Rapids

located in Linn County, Iowa

Project No. E-380-6(22)958--01-57

Group "A"

TO: Harold D. Victor, Chief Judge of the 6th Judicial District, including Linn County, Iowa

RECEIVED

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

The lands and/or property rights affected and the record owners, lienholders, encumbrancers, and other persons interested therein, are as listed on the sheets hereto attached and made a part hereof, and are shown with reference to their location as to lands affected on the plat hereto attached, marked Exhibit "A" and made a part hereof.

The State of Iowa desires certain specific rights in the land herein sought to be condemned for Primary Road right of way and/or access control and/or for highway drainage and/or for the purpose of obtaining and removing therefrom material suitable for the improvement and/or 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 described rights in lands by purchase and conveyance.

NOW, THEREFORE, the Iowa State Highway Commission hereby requests the appointment of a compensation commission of six persons qualified as prescribed in Sec. 306.19, Code of Iowa, 1971, not interested in the same or a like question, to view the real estate involved and appraise the damages which the owners thereof, lienholders, encumbrancers, or other persons interested therein will sustain by reason of the appropriation herein sought to be condemned, for the purpose herein stated, and make their report in writing to the Sheriff as provided by law.

Dated at Ames, Iowa, this 13 day of April, 1972.

IOWA STATE HIGHWAY COMMISSION

BY RICHARD G. TURNER
Attorney General of Iowa

BY Asher E. Schroeder
ASHER E. SCHROEDER
Special Assistant Attorney General and
Counsel to the Iowa State Highway Commission

Filed in duplicate in my office at Cedar Rapids Iowa, this 14 day of

April, 1972

Harold D. Victor
Harold D. Victor
Chief Judge of the 6th Judicial District
including Linn County, Iowa

1537 Page 546

located in Linn County, Iowa

Project No. 1-380-6(22)258--01-57

Group "C"

TO:

Mae Stoner Orrick, 5353 Bowling Street SW, Cedar Rapids, Iowa
United State Bank, Cedar Rapids, Iowa
Larry D. Henkes, Swisher, Iowa
Linn County, Iowa, c/o County Auditor, Cedar Rapids, Iowa
City of Cedar Rapids, Iowa, c/o City Clerk, Cedar Rapids, Iowa
and to all other persons, companies or corporations having any interest in or owning any of the following described real estate:

NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 9, part of NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 10, all in T82N, R7E of the 5th P.M., in the City of Cedar Rapids, Linn 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 Linn County, Iowa, and in the Office of the Sheriff of Linn 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 NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 9 and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 10, both in T82N, R7E of the 5th P.M., unplatted in the City of Cedar Rapids, Linn County, Iowa, lying on both sides of part of the following described centerline of Bowling Street, on both sides of part of the following described Baseline of Ramp "F" of Primary Road No. U.S. 30, on both sides of part of the following described centerline of Miller Avenue Extension, and on both sides of part of the following described centerline of Proposed Frontage Road, all as shown on the plat Exhibit "A" attached hereto and by reference made a part hereof.

The centerline of Bowling Street, designated by station points 100 feet apart, numbered consecutively from south to north, is described as follows: Commencing at the E $\frac{1}{4}$ Corner of said Sec. 9, thence East along the north line of the SW $\frac{1}{4}$ of said Sec. 9 1757.2 ft., thence N3 $^{\circ}$ 34 $'$ 1 $"$ E 10.3 ft., thence N89 $^{\circ}$ 59 $'$ 1 $"$ E 1123.0 ft., thence N89 $^{\circ}$ 35 $'$ 0 $"$ E 2458.0 ft., thence S2 $^{\circ}$ 07 $'$ 1 $"$ E 603.6 ft. to Sta. 657+28.6, the Point of Beginning, thence continuing S2 $^{\circ}$ 07 $'$ 1 $"$ E 728.6 ft. to Sta. 650+00.

The Baseline of Ramp "F" of Primary Road No. U.S. 30, designated by station points 100 feet apart, numbered consecutively from east to west, is described as follows: Beginning at Sta. 6208+60.5, a point on the centerline of Bowling Street located at Sta. 657+28.6, thence N77 $^{\circ}$ 49 $'$ 1 $"$ W 1453.5 ft. to Sta. 6223+00.

The centerline of Miller Avenue Extension, designated by station points 100 feet apart, numbered consecutively from west to east, is described as follows: Beginning at Sta. 115+28.6, a point on the centerline of Bowling Street located at Sta. 657+28.6, thence S8 $^{\circ}$ 24 $'$ 8 $"$ W 957.6 ft. to Sta. 105+71.0, thence westerly 322.0 ft. along a 7639.1 ft. radius curve, concave southerly and tangent to the preceding and following courses, to Sta. 102+49.0, thence S89 $^{\circ}$ 11 $'$ 1 $"$ W 249.0 ft. to Sta. 100+00.

The centerline of Proposed Frontage Road, designated by station points 100 feet apart, numbered consecutively from west to northeast, is described as follows: Beginning at

Linn County Project 1-380-6(22)258--01-57
Mae Stoner Orrick (Parcel 2010)
Continued on next sheet

Sheet 1
of 3

Linn County Project 1-380-6(22)258--01-57
Mae Stoner Orrick (Parcel 2010)

Form 495, Sheet 2

Vol 1537 p. 547

Sta. 115+28.6, a point on the centerline of Bowling Street located at Sta. 654+55.6, thence N88°08'1"E 73.1 ft. to Sta. 116+01.7, thence northeasterly 384.7 ft. along a 603.1 ft. radius curve, concave northwesterly and tangent to the preceding and following courses, to Sta. 119+86.4, thence N51°35'1"E 413.6 ft. to Sta. 124+00.

Said parcel is described as follows: Beginning at the E¹/₄ Corner of said Sec. 9, thence westerly along the north line of the NE¹/₄SE¹/₄ of said Sec. 9 to the west line of said NE¹/₄SE¹/₄, thence southerly along said west line to a point 125 ft. normally distant southerly from Baseline of Ramp "F", thence to a point 125 ft. normally distant southerly from Baseline of Ramp "F" on the westerly right of way line of Bowling Street, thence southerly along said westerly right of way line to a point 40 ft. normally distant northerly from centerline of Miller Avenue Extension, thence parallel to or concentric with centerline of Miller Avenue Extension to a point 40 ft. normally distant northerly from said centerline on the west line of said NE¹/₄SE¹/₄, thence southerly along said west line to a point 40 ft. normally distant southerly from centerline of Miller Avenue Extension, thence parallel to or concentric with centerline of Miller Avenue Extension to a point 40 ft. normally distant southerly from said centerline on the westerly right of way line of Bowling Street, thence southerly along said westerly right of way line to the south line of said NE¹/₄SE¹/₄, thence easterly along said south line and the south line of the NW¹/₄SW^{1/₄ of said Sec. 10 to the easterly right of way line of Bowling Street, thence northerly along said easterly right of way line to a point normally distant easterly from Sta. 650+00 (Bowling St.), thence to a point 70 ft. normally distant southerly from Sta. 116+00 (Prop. Frontage Road), thence to a point 100 ft. radially distant southeasterly from Sta. 118+00, thence to a point 70 ft. normally distant southeasterly from centerline of Proposed Frontage Road on the south line of the North 679.23 Feet of said NW¹/₄SW^{1/₄, thence westerly along said south line to the east line of the West 300 Feet of said NW¹/₄SW^{1/₄, thence northerly along said east line to the north line of the South 179.23 Feet of the North 679.23 Feet of said NW¹/₄SW^{1/₄, thence westerly along said north line to the east line of said NE¹/₄SE¹/₄, thence northerly along said east line to the E¹/₄ Corner of said Sec. 9, the Point of Beginning.}}}}

Said parcel contains 18.4 acres, more or less, exclusive of the present established roads.

Note: The north line of the NW¹/₄ of said Sec. 9 is assumed to bear East and West.

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

1. No rights of direct access to and from Primary Road No. U.S. 30, including its interchange ramps and approaches thereto, shall inure to that portion of the condemnees' remaining property abutting thereon.
2. All rights of direct access between Bowling Street and that portion of the condemnees' remaining property abutting thereon, north of Sta. 656+00, are condemned.
3. Miller Avenue Extension and Proposed Frontage Road are not being constructed as controlled access facilities and the right of reasonable, free and convenient access thereto shall inure to that portion of the condemnees' remaining property abutting thereon.
4. Any and all improvements, including fences, located wholly within the land sought in fee simple title are condemned in their entirety.
5. Any drainage tile lines, or outlets, which are located within the land being acquired under this proceeding, 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. The temporary easement rights, if any so acquired, shall terminate immediately upon completion of said restoration and in no event later than December 31, 1976.
6. In the event the owner is the occupant of the property on the date of condemnation, he shall not be dispossessed of the right of possession of the dwelling house, outhouse, orchard, or garden until the condemning authority shall have the right to take possession at either the time the damages have been finally determined and paid, or one hundred eighty (180) days after the date of condemnation and filing of the award in which event payment of all the appraisement of damages shall be paid to the owner before the dis-possession can take place.

Linn County Project 1-380-6(22)258--01-57
Mae Stoner Orrick (Parcel 2010)

Sheet 2
of 3

VOL. 1537 PAGE 549

STATE OF IOWA, }
Linn County } ss.

I, KENNETH L. PERRY, Clerk of the District Court of Iowa, in and for Linn County, which is a Court of Record and having a seal and exercising Common Law, Equity, Criminal and Probate Jurisdiction, hereby certify that I am the custodian of the Seal of said Court, custodian of the files and records kept therein, and I further certify that the foregoing is a true copy of
Sterling's Filing of Record after receiving Notice of Appeal wherein
Max Stone Order is Plaintiff and Iowa State Highway Commission is
Defendant, Case No. 54924

as fully as the same remains of record or on file in my office.

WITNESS my hand and Seal of said Court hereto affixed at my office in Cedar Rapids, in said County and State on this 10th day of June, 1972.

KENNETH L. PERRY, JR.
Clerk of said Court

[Signature]
Deputy Clerk of said Court

FILED FOR RECORD JUL 11 1972 AT 8:07 AM
[Signature] RECORDER LINN COUNTY IOWA