

DEPARTMENT OF JUSTICE
August 1, 1969
Mr. Richard E. Collins, Fremont County Sheriff, Fremont County Courthouse, Sidney, Iowa
Dear Sheriff:

RE: Fremont County Condemnation I-29-1(4)21--01-36, "B"

Enclosed is an Application to the Sheriff for the Appointment of a Commission to Appraise Damages on the above project. Also enclosed for your signature is a Notice to the Chief Justice of the Supreme Court of Iowa and Request for the Appointment of Commissioners. Please return the signed Notice together with the receipted copy of this letter to me at the Iowa State Highway Commission, Ames, Iowa, as soon as possible. The application is to be retained by you as part of your file on this matter.

When the Chief Justice appoints the Commissioners, I will send you the balance of the papers necessary in this proceeding together with instructions.

Very truly yours
Henry L. Holst
HENRY L. HOLST
Special Assistant Attorney General

dms
Enclosures
cc: Gordon A. Swelt

Filed in my office at Sidney, Iowa, this 4th day of August, 1969.

Richard E. Collins
Sheriff of Fremont 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 Primary Road No. I-29, Mills County, south, located in Fremont County, Project No. I-29-1(4)21--01-36 Group "B"

NOTICE TO THE CHIEF JUSTICE OF THE SUPREME COURT OF IOWA AND REQUEST FOR THE APPOINTMENT OF COMMISSIONERS

TO THE HONORABLE T. G. GARFIELD, Chief Justice of the Supreme Court of Iowa:

You are hereby notified that an Application by the Iowa State Highway Commission for the condemnation of certain specified rights in certain lands as set forth in said Application for primary road purposes in the above entitled matter has this day been filed in the office of the undersigned; and I hereby request you to select six persons to act as a condemnation commission to assess the damages which the owners of the land, lienholders, encumbrancers, and other persons interested therein will sustain by reason of the appropriation for the improvement of primary roads, as authorized, permitted and prescribed in Chapters 306, 306A, 306B, 311, 471 and 472 of the 1966 Code of Iowa and any amendments thereto, and to make return to me of the name and place of residence of each person so selected and appointed by you.

Dated at Sidney, Iowa, this 4th day of August, 1969.

Richard E. Collins (Richard E. Collins)
Sheriff, Fremont County, Iowa

Filed in my office at Sidney, Iowa, this 4 day of August, 1969.

Richard E. Collins (Richard E. Collins)
Sheriff, Fremont 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 Primary Road No. I-29, Mills County south, located in Fremont County, Project No. I-29-1(4)21--01-36, Group "B"

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

TO: Richard E. Collins, Sheriff of Fremont County, Iowa

Comes now the Iowa State Highway Commission and states that the public interest requires that the State of Iowa acquire certain rights in 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 for highway drainage and/or for the purpose of obtaining and removing therefrom material suitable for the improvement and or the maintenance of the Primary Roads of the State of Iowa.

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

Miscellaneous Record, No. L, Fremont County, Iowa

NOW, THEREFORE, the Iowa State Highway Commission hereby requests the appointment of a commission of six freeholders of the state of Iowa, not interested in the same or a like question, to view 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 you as provided by law.

Dated at Ames, Iowa, this 1 day of August, 1969.

Filed in my office at Sidney, Iowa, this 4th day of August, 1969.

Richard E. Collins
/s/ Richard E. Collins, Sheriff,
Fremont County, Iowa.

IOWA STATE HIGHWAY COMMISSION
By Henry L. HOLST
XBY Special Assistant Attorney
General and Counsel to Iowa State
Highway Commission

Located in Fremont County, Project No. I-29-1(4)21--01-36, Group "B"

TO: Cora McAlexander, RR 1, Thurman, Iowa
Everett McAlexander, RR 1, Percival, Iowa
Fremont County, Iowa c/o County Auditor, Sidney, Iowa

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

SE $\frac{1}{4}$ and part of the SE $\frac{1}{4}$ of Sec. 32, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and parts of the NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 33, both in T70N, R43W of the 3th P.M., Fremont 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 in the Office of the Sheriff of Fremont County, Iowa, to which you are referred:

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

Lots 10 and 11 of the NW $\frac{1}{4}$ of Sec. 33, and Lot 4 of the E $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 32, both in T70N, R43W of the 3th P.M. in Fremont County, Iowa.

Also, a parcel in Lot 3 of the E $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec. 32, lying on both sides of part of the following described centerline of Interstate Route No. 29, as shown on Official plans for Project I-29-1(4)21--01-36.

The centerline of Interstate Route No. 29, designated by station points 100 feet apart, numbered consecutively from south to north, is described as follows: Beginning at Sta. 1070+06.6, a point 695.6 ft. West of the NE Corner of said Sec. 32 on the north line of the SW $\frac{1}{4}$ thereof, thence S0°20'W1386.6 ft. to Sta. 1055+00.

Said parcel is described as follows: All that part of Lot 3 of the E $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec. 32 lying easterly of a line beginning at a point 175 ft. normally distant westerly from centerline on the south line of said Lot 3, thence to a point 137 ft. normally distant westerly from Sta. 1061+00, thence to a point 137 ft. normally distant westerly from centerline on the north line of said Lot 3.

Said parcels contain 37.6 acres, more or less.

In connection with this condemnation proceeding it is specifically provided that no rights of direct access, to and from Interstate Route No. 29 including its interchange ramps and approaches thereto are to inure to that portion of the condemnee's remaining property abutting thereon.

In connection with this condemnation proceeding, it is specifically provided that 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, 1973.

Fremont County Project I-29-1(4)21--01-36
Cora McAlexander (Parcel 7)

(Continued on page 323)

Sheet 1 of 1

EXHIBIT "A"

7

6

PLAT OF LAND
SOUGHT TO BE APPROPRIATED

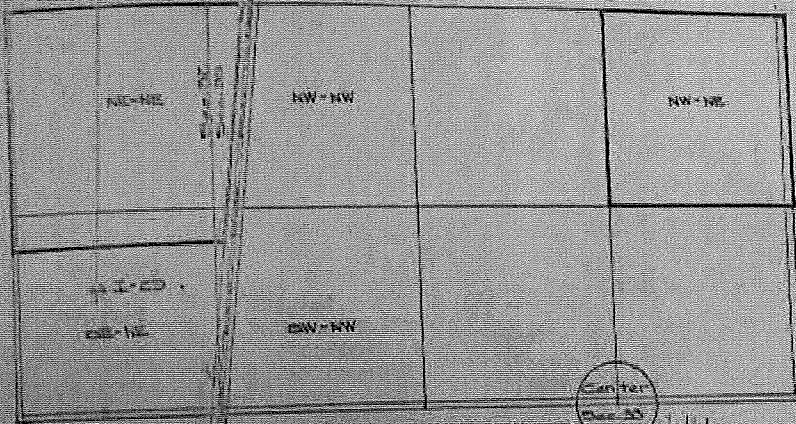
OWNER: CORA M. ALEXANDER

A. O. W. AREA 31.6 ACRES

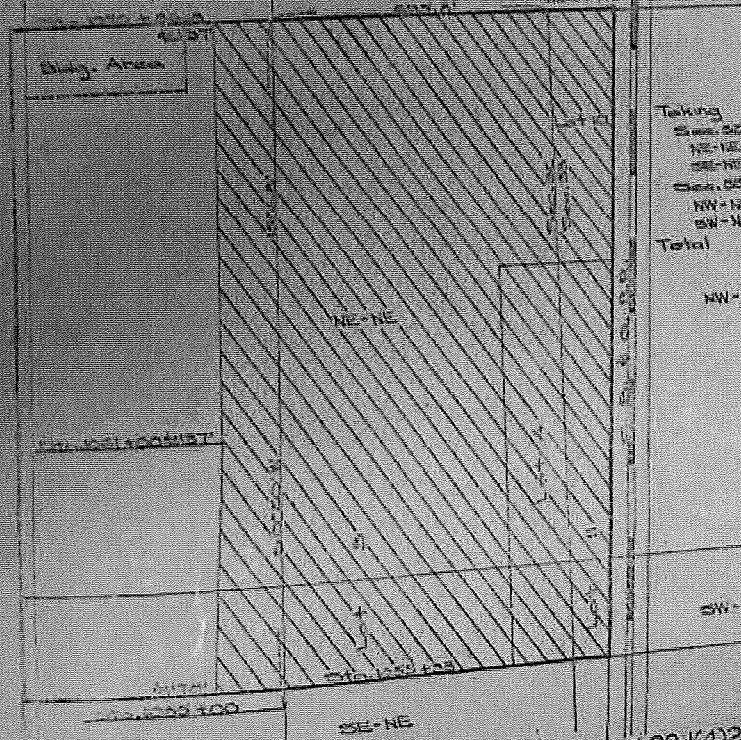
LOCATION

FROM & STA. 1025+00 TO & STA. 1025+00
SECTION 26 TWP. 20N RANGE 45W

For Division of
Transportation



Interstate Rte. No. 63



Taking
 21.00 Ac.
 NE-NE = 6.00 Ac.
 SE-NE = 4.10 Ac.
 21.00 Ac.
 NW-NW = 3.30 Ac.
 SW-NW = 3.20 Ac.
 Total = 31.6 Ac.

NW-NW

SW-NW

FREMONT COUNTY

PROJECT NO. 29-142-0-36

Miscellaneous Record, No. L, Fremont 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 Improve-
 ment of Primary Road No. 1-29, Mills County, South
 located in Fremont County, Project No. 1-29-1(4)21--01-36
 Group "B"

SELECTION AND APPOINTMENT OF
 CONDEMNATION COMMISSIONERS BY
 THE CHIEF JUSTICE

A request from Richard E. Collins, Sheriff of Fremont County, Iowa, having this day been pre-
 sented to me for the selection and appointment of six suitable persons as the law provides
 to act as a condemnation commission to assess and appraise the damages sustained by reason
 of the 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 condemnation commission required in this matter the following persons:

NAME	ADDRESS	COUNTY
Stewart A. Hall	Sidney	Fremont
Charles Costello	Malvern	Mills
Mark C. Rich	310 Myaster, Council Bluffs	Pottawattamie
Louis Seimig	Grissold	Cass
Edwin Engquist	Red Oak	Montgomery
Earl Bond	Shenandoah	Page

Attached hereto I return the Notice and Request for such appointment in the above entitled
 matter.

Dated at Ames, Iowa, this 15th day of August, 1969.

/s/ T. G. Garfield T. G. GARFIELD
 Chief Justice of the Supreme Court of Iowa

Filed in my office at Sidney, Iowa, this 20 day of August, 1969.

/s/ Richard E. Collins (Richard E. Collins)
 Sheriff, Fremont county, Iowa.

DEPARTMENT OF JUSTICE, August 15, 1969.

Mr. Richard E. Collins, Fremont County Sheriff, Fremont County Courthouse, Sidney, Iowa.
 Dear Sheriff:

RE: Fremont County Condemnation 1-29-1(4)21--01-36, Group "B"
 Enclosed herewith are the following papers in connection with the condemnation proceedings
 set for hearing on September 4, 1969.

- 1- Property sheet showing all interested parties;
- 2- Notice to Chief Justice;
- 3- Selection of Commissioners;
- 4- Summons to Commissioners, two copies for each Commissioner to be mailed to the Commission-
 named thereon requesting he return one signed copy to you;
- 5- Oath of Commissioners (this form to be executed prior to the hearing);
- 6- Sheriff's certification, three copies, two of which are to be returned to this office
 when completed;
- 7- Commissioners Statement, six copies for your use in making up a statement of Commission-
 fees and expenses;
- 8- Notice, sufficient copies to be served on the below listed condemnees. Notices are to be
 served at least ten (10) days prior to the date of the hearing.

Parcel 7- Ezra McAlexander, RR 1, Thurman, Iowa; Everett McAlexander, RR 1, Percival, Iowa;
 Fremont County, Iowa, c/o County Auditor, Sidney, Iowa

Parcel 15 - Waubesa Drainage District, c/o Henry Vohs, Chairman, Thurman, Iowa; Fremont
 County, Iowa, c/o County Auditor, Sidney, Iowa

Parcel 16 - Orville Sonner, Thurman, Iowa; Dorothy Sonner, Thurman, Iowa; Fremont County,
 Iowa, c/o County Auditor, Sidney, Iowa

All notices to out-of-County Condemnees are being mailed to the proper sheriffs for service
 and service copies will be forwarded to you upon receipt.

Mr. Richard E. Collins, Fremont County Sheriff, August 19, 1969, Page 2

RE: Fremont County Condemnation 1-29-1(4)21--01-36, Group "B", Hearing to be held September
 4, 1969

Keep a statement of your fees and expenses and they will be paid by the Highway Commission
 following the hearing. The following papers must be retained by you in a separate file for
 subsequent recording.

- 1- Application to the Sheriff;
- 2- Notice to the Chief Justice;
- 3- Selection of Commissioners;
- 4- One signed copy of the Summons to Commissioners for each Commissioner; (if there are any
 substitutions of Commissioners, you should also retain the Order which substitutes one
 Commissioner for another);
- 5- All Notices and Returns served in the condemnation; (if there are any published notices,
 you should also retain the proof of publication as well as all Affidavits in connection

- 1. Report of Commissioners;
- 2. Report of Commissioners, which form will be brought to the hearing by the Highway Commission representative; (file the original of this and return the copy to this office after all Commissioners have signed same);
- 3. Sheriff's Certification of Costs.

All other papers should be retained in a correspondence file for your reference.
Please acknowledge receipt of the foregoing by signing the duplicate copy of this letter and returning it to this office.

Very truly yours,
HENRY L. HOLST /s/ Henry L. Holst, Special Assistant Attorney General, Iowa State Highway Commission, Ames, Iowa 50010.
Enclosures cc: Gordon A. Switzer

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. 29, Mills County, south, located in Fremont County, Project No. I-29-1(4)21-01-16 Group "A"

NOTICE

Received 2-20-69 Richard E. Collins, Sheriff Fremont County, Ia.

Arville Sommer, Thurman, Iowa
Dorothy Sommer, Thurman, Iowa
Fremont County, Iowa, c/o County Auditor, Signey, Iowa

Dismissed 3-4-69

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

SW $\frac{1}{4}$ SW $\frac{1}{4}$ and parts of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 9 and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 16, both in T70N, R43W of the 5th P.M., Fremont 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 locations as to lands affected on the plat exhibit "A" attached hereto and to the application filed in the office of the Sheriff of Fremont County, Iowa, to which you are referred:

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

A parcel of land located in the SW $\frac{1}{4}$ of Sec. 9 and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 16, both in T70N, R43W of the 5th P.M., Fremont County, Iowa, lying on both sides of part of the following described centerline of Interstate Route No. 29, as shown on official plans for Project I-29-1(4)21-01-16.

The centerline, designated by station points 100 feet apart, numbered consecutively from south to north, is described as follows: Beginning at Sta. 1230+82.5 a point 476.0 ft. East of the NW Corner of said Sec. 16 on the north line of the NW $\frac{1}{4}$ thereof, thence 68°15' E 1717.5 ft. to Sta. 1258+00. Also, beginning at said Sta. 1230+82.5 thence S8°35' W 1282.5 ft. to Sta. 1217+00.

Said parcel is described as follows: Beginning at the SW Corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Sec. 16, thence northerly along the west line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the west line of the SW $\frac{1}{4}$ of said Sec. 9 to a point normally distant westerly from Sta. 1240+00, thence to a point 193 ft. normally distant westerly from Sta. 1240+00, thence to a point 170 ft. normally distant westerly from Sta. 1246+00, thence to a point 170 ft. normally distant westerly from centerline on a line which runs from a point 73 ft. south of the NE Corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Sec. 9 on the west line thereof to a point 20 ft. south of the NE Corner of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ on the east line thereof, thence to a point 180 ft. normally distant E, normally distant easterly from centerline, thence to a point 137 ft. normally distant easterly from Sta. 1252+00, thence to a point 137 ft. normally distant easterly from centerline on the south line of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Sec. 16, thence westerly along said south line to the SW Corner of said NW $\frac{1}{4}$ SW $\frac{1}{4}$, the point of Beginning.

Said parcel contains 41.6 acres, more or less, exclusive of the present established ditch.

Note: The north line of the NW $\frac{1}{4}$ of said Sec. 16 is assumed to bear East and West.

In connection with this condemnation proceeding it is specifically provided that no rights of direct access, to and from Interstate Route No. 29, are to inure to that portion of condemnee's remaining property abutting thereon.

In connection with this condemnation proceeding, it is specifically provided that 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 condemnee, and the State of Iowa shall have a right of temporary easement as necessary over condemnee's 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, 1973.

Miscellaneous Record, No. L, Fremont County, Iowa

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 said or to maintain primary roads of the state of Iowa in the manner prescribed in Chapter 471, 472, 473, 474, 475, 476, 477 and 478 of the 1966 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 4th day of September, 1969, at 10:00 a.m., a.m. (COT) view the real estate described above and proceed to appraise said damage 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 HENRY L. HOLST
HENRY L. HOLST
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, Fremont County, ss:

Received the within notice the 20 day of August, 1969 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 Town	County	State
Orville Joener	August	20	1969	Benton	Fremont	Iowa
Dorothy Joener	August	20	1969	Benton	Fremont	Iowa
Belard Smith, County Auditor of Fremont County, Iowa	August	20	1969	Benton	Fremont	Iowa

Fees:
Service \$2.50
Mileage \$3.25
Total \$5.75

Richard E. Collins
Sheriff, Fremont County, Iowa
By, -----Deputy

(FOR LAND PLAT SEE PAGE 327)

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. 1-29, Mills County south

located in Fremont County

Project No. I-29-1(4)21-01-36

Group "B"

NOTICE
RECEIVED 8-20-69
RICHARD E. COLLINS
SHERIFF FREMONT CO., IA

TO:
Gertrude McLain, RR, Emerson, Iowa
Dean McLain, RR, Emerson, Iowa
Paul E. Carlson, as guardian of Otis Davis, Red Oak, Iowa
Neuborns Drainage District, c/o Henry Vohs, Chairman, Thurman, Iowa
Fay Stouder, Pacific Junction, Iowa
Fremont County, Iowa, c/o County Auditor, Sidney, Iowa
and to all other persons, companies or corporations having any interest in or owning any of the following described real estate:

NE1/4, NE1/4, SW1/4, SE1/4 of Sec. 6 NE1/4, SE1/4, and NE1/4 of Sec. 17, both in T70N, R41W of the 5th P.M., Fremont 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 in the Office of the Sheriff of Fremont County, Iowa, to which you are referred:

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