

## Miscellaneous Record, No. 17, Madison County.

#381  
 P.M. & J.R. Bruce ) Filed for Record April 27th A.D. 1909 at 4.00 oclock  
 to )Condemnation( P.M. Recording Fee \$3.70 George Hill Recorder  
 City of Winterset )Proceedings ( By Daisy Hill Deputy.  
 Winterset Iowa, April 6th 1909.

To J.P. Breeding Sheriff of Madison County, Iowa.

The City Council of the City of Winterset have passed a resolution authorizing and instructing the City Attorney to institute condemnation proceedings condemning a tract of land belonging to R.P. Bruce, for the purpose of locating thereon the pumping plant, reservoir or wells for the said City Water Works, the said land to be condemned is described as follows to-wit: Beginning at a point fourteen hundred sixty five feet west and thirty feet North of the South East Corner of Section 35, Township 76 North, Range 28 West of the 5th P.M. Iowa; Thence North four hundred fifty feet; Thence West one hundred ninety three and eight tenths feet; Thence South four hundred fifty feet; Thence East one hundred ninety three and eight tenths feet to place of beginning: Containing Two Acres. You are therefore requested to summon and appoint six resident freeholders of the City of Winterset, Iowa, as Commissioners or Appraisers to meet on the above described real estate and assess the value of the land sought to be appropriated and assess all the damages resulting from the appropriation of the said Land by the said City of Winterset. This we ask to be done at once.

Very Respectfully,

Phil R. Wilkinson City Attorney for  
 the City of Winterset, Iowa.

State of Iowa, Madison County, SS:

I J.P. Breeding Sheriff of said County did on 6th of April 1909, Serve Notices on the within named Persons by reading the same to one and each of them except J.L. Peters & E. Jones which served in place of Charles Koser & E.E. McCall who could not serve and said commissioners and each of them then and there signed and made oath to the following affidavit, to-wit:- that they would well and truly assess the damages in said cause sustained and make true return of their findings therein, and the said owner of said property having been notified of such proceedings by serving notices on one and each of them, the same being, R.P. John R. Bruce & F.M. Bruce. The said commissioners did meet at said time which was the 19th day of April A.D. 1909. at 3 oclock P.M. and place and assess the damages to said property as shown by the report of said commissioners which said report is hereto attached and made a part of this return. The said F.M. Bruce being then and there present in person, and the said R.P. Bruce and John R. Bruce, although duly and legally served with notice of said condemnation proceedings, appeared not nor any person for them. Witness my hand at Winterset, Madison County, Iowa this 20th day of April, A.D. 1909.

J.P. Breeding Sheriff of Madison  
 County Iowa.

FEES.  
 George Duff -----\$2.20  
 Joe Hamilton-----2.20  
 E. Jones ----- 2.20  
 J.L. Peters----- 2.20  
 E.E. Orris----- 2.20  
 George Grout-----2.20  
 J.P. Breeding,  
 Attending Jury----- 5.00  
 Collecting and  
 paying over money 13 .50  
 Summoning Jury ---3.60  
 Serving notice --- 1 .40  
 Serving notice --- 1 .00  
 Livery hire ----- 4 .00  
 Total -----  
 41 .70

State of Iowa, Madison County, SS:

The State of Iowa,

To Geo Duff J.L. Peters, E.E. Orris, Joe Hamilton, E. Jones, Geo Grout,  
 You are hereby commanded to appear at the R.P. Bruce farm to act as a Commissioner to assess the damage or appraise the value of the following lands to-wit: Beginning at a point fourteen hundred sixty five feet west and thirty feet north of the south east corner of Section 35, Township 76, North of Range 29, West of the 5th P.M. Iowa. Thence North four hundred fifty feet; Thence West one hundred ninety three and eight tenths feet; Thence South four hundred fifty feet; Thence East one hundred ninety three and eight tenths feet to place of beginning containing in all two Acres, You and each of you are required to meet at the above described real estate at the hour of 3 oclock P.M. on Monday the 19th day of April A.D. 1909. to Appraise the damage as between the City of Winterset Iowa, and R.P. Bruce. And this you will in no wise omit under penalty of the law.

Given under my hand and seal of office in  
 City of Winterset, in the County aforesaid this----day of April 1909.

J.P. Breeding Sheriff of  
 Madison County Iowa.

State of Iowa Madison County, Iowa SS:

I, J.P. Breeding hereby certify that the within notice came into my hands on April 6th 1909 and on the same day I served the same on the within named persons by reading the original to each of them personally and delivering to each of them a true copy thereof. All done in Center Township Madison County, Iowa.

Fees for Subpoenas for Commissioners,  
 \$3.60

J.P. Breeding Sheriff.

Notice of Appropriation of Land for Water Work Purposes. To John R. Bruce and F.M. Bruce: And all others having any interest in or owning any of the following described real estate to-wit: The South One Fourth of the South East Quarter of Section Thirty-five, Township 76 North, Range 28 West of the 5th P.M. Iowa.

You and each of you are hereby notified that the City of Winterset has selected a tract of land on which will be located the Pumping Plant and Water Supply for the Water Works located and established in Winterset, Iowa and now in process of construction; and they desire to use and obtain title to the following described tract of land to-wit: Beginning at a point Fourteen Hundred and Sixty-five (1465) Feet West and Thirty (30) feet North of the South East corner of Section 35, Township 76 North, Range 28 West of the 5th P.M. Iowa; Thence North Four Hundred and Fifty Feet (450) thence West One Hundred and Ninety-three and eight tenths (193.8) feet; thence South Four Hundred Fifty (450) feet; Thence East One Hundred Ninety-three and eight tenths (193.8) feet to place of beginning: containing Two Acres, for the purpose of locating and establishing thereon the said Pumping Plant, with Machinery, Apparatus, and appliances, Reservoirs or wells. And you and each of you are hereby further notified that the Commissioners appointed by the Sheriff of Madison County, Iowa, as by law in such cases made and provided, to inspect said real estate and assess all damages to the owner of said real estate upon which the said City of Winterset, Iowa, shall locate, build and establish its said Pumping Plant, Reservoirs, or Wells, will, at the hour of 3 o'clock P.M. on Monday the 19th day of April, A.D. 1909, meet on said real estate and assess the damages that you will sustain by reason of the appropriation of said land for the use of said City of Winterset as aforesaid, at which time you can appear before said Commissioners and present all claims you may have for damages.

Phil R. Wilkinson. Attorney for the City of Winterset, Iowa.

(COPY)

State of Iowa Madison County SS:

I J.P. Breeding Sheriff of said County hereby certify that the within notice came in to my hands April 7th 1909, and on the same day I served the same on F.M. Bruce by offering to read the same to him which he waived and delivered to him a true copy and on John R. Bruce by mailing him a copy of notice all done in Center & Crawford Township Madison County Iowa.

J.P. Breeding Sheriff.

Fees

Service-----75

Copy-----60

Mileage -----10

Total-----

\$ 1.40

Notice of Appropriation of Land for Water Work Purposes.

To R.P. Bruce and all others having any interest in or owning any of the following described real estate to-wit: The South One Fourth of the South East Quarter of Section 35, Township 76, Range 28 West of the 5th P.M. Iowa. You and each of you are hereby notified that the City of Winterset has selected a tract of land on which will be located the Pumping Plant and Water Supply for the Water Works located and established in Winterset, Iowa, and now in process of construction; and they desire to use and obtain title to the following described tract of land to-wit: Beginning at a point Fourteen Hundred and Sixty Five (1465) Feet West and Thirty (30) Feet North of the South East Corner of Section 35, Township 76 North, Range 28 West of the 5th P.M. Iowa; Thence North Four Hundred Fifty (450) Feet; Thence West One Hundred Ninety-three and eight tenths (193.8) Feet; Thence South Four Hundred Fifty (450) feet; Thence East One Hundred Ninety-three and eight tenths (193.8) Feet to place of beginning: containing two Acres, for the purpose of locating and establishing thereon the said Pumping Plant, with Machinery, Apparatus, and Appliances, Reservoirs or Wells. And you and each of you are hereby notified that the Commissioners appointed by the Sheriff of Madison County, Iowa, as by law in such cases made and provided, to inspect said real estate and assess all damages to the owners of said real estate upon which said City of Winterset, Iowa, shall locate, build and establish its said Pumping Plant, Reservoirs, or Wells, will, at the hour of 3 o'clock P.M. on Monday the 19th day of April A.D. 1909, meet on said real estate and assess the damages that you will sustain by reason of the appropriation of said land for the use of said City of Winterset as aforesaid, at which time you can appear before said Commissioners and present all claims you may have for damages.

Phil R. Wilkinson Attorney for the City of Winterset, Iowa.

State of Iowa Madison County SS:

Received the within notice the 6th day of April 1909 and I hereby certify that I served the same on the persons named below by reading the same to him and delivered to him a true copy of the same at the time and place set opposite his name.

R.P. Bruce 4 Month 6 Day Year 1909 Douglas Township Madison County State of Iowa,

(FEES)

Service ----- \$ .50

Copies ----- .30

Mileage ----- .20

Total ----- \$ 1.00

J.P. Breeding Sheriff of Madison County.

By F.W. Grout Deputy.

## Miscellaneous Record, No. 17, Madison County.

SHERIFFS OFFICE, Madison County, Iowa:

In the matter of the Assessments of Damages sustained by R.P. Bruce, F.M. Bruce and John R. Bruce by reason of the appropriation of certain grounds by the City of Winterset, Madison County, Iowa., A Municipal corporation of the State of Iowa, through the following lands, to-wit: The South One-Fourth of the South East Quarter of Section 35, Township 76 North, Range 28 West of the 5th P.M. Iowa. for water Works purposes.

Before J.P. Breeding Sheriff of  
Madison County Iowa.

BE IT REMEMBERED, That on the 6th day of April 1909 the City of Winterset, Madison County, Iowa, a Municipal Corporation of the State of Iowa, did in pursuance of law, notify and request me to appoint Commissioners under Chapter 4, Title 10 of the Code of Iowa, 1897, to assess the damages sustained by the various parties over and through, The said lands whose lands said corporation has located its Pumping Station Reservoirs and wells in Madison County, Iowa, and it being made to appear that the owners of said land, and the said above named Municipal Corporation cannot agree upon the compensation to be paid for the same, I did, in pursuance of the power vested in me by law, and of such notice and request now on file in my office, appoint six disinterested freeholders of Winterset, Madison County, Iowa, who were not interested in a like question to-wit: George Duff, George Grout, J.L. Peters E. Jones, E.E. Orris and Joe Hamilton to inspect said real estate and assess the damages which said owners of the same might sustain by reason of the appropriation of said lands by said Municipal Corporation for Pumping Station, Reservoirs or Wells and other purposes named in said application, and the above named Jurors were duly and legally summoned to view the premises aforesaid, on the 19th day of April 1909, at 3 o'clock P.M., said above described premises ~~belonging~~ to R.P. Bruce F.M. Bruce and John R. Bruce and assess all damages. Whereupon all of said Commissioners met at my office, in the Court House in Winterset Iowa, except Chas Koser who was unable to attend, and I appointed J.L. Peters a disinterested freeholder of Madison County Iowa, not interested in a like question as Commissioners, to serve in his stead, and said Commissioners, and each of them then and there signed and made oath to the following affidavit, to-wit:

State of Iowa Madison County SS:

We, Geo Duff E.E. Orris Joe Hamilton E.W. Jones and George grout J.L. Peters Commissioners appointed by the Sheriff of Madison County, Iowa, to assess the damages that may be sustained by the owners of real estate situated in Madison County, Iowa, by reason of the appropriation thereof by the aforesaid Municipal Corporation, for the location, construction and convenient use of a Pumping Station and Water Supply with the right to take, remove and use for the construction and repair of said Pumping Station and Water Supply and its appurtenances any earth, gravel, stone or timber, or other material, on or from the lands so taken or to be taken, together with such other land as may be necessary for berms, waste banks, burrow pits, and for wood and water stations, do solemnly swear that we are freeholders of Winterset, Madison County, and not interested in the construction of the Water Works of the said City of Winterset, Madison County, Iowa, and the condemnation of said lands nor in any manner connected therewith whatever, nor in a like question that we well and truly appraise the damages that R.P. Bruce or F.M. Bruce and John R. Bruce or any other person or persons interested therein will sustain by reason of the appropriation by said Municipal Corporation of a strip of land comprising or through the following premises, to-wit:

A tract of land situated on the South One-Fourth of the South East Quarter of Section 35 Township 76 North, Range 28 West of the 5th P.M. Iowa. for the purpose aforesaid, and will make true report, and return thereof to the Sheriff of Madison County, Iowa, as required by law,

Subscribed and sworn to by

Joe Hamil  
E.E. Orris  
E. Jones  
G.M. Grout  
J.L. Peters and  
Geo Duff

Joe Hamilton.  
E.E. Orris  
E. Jones.  
G.M. Grout.  
J.L. Peters.  
Geo Duff.

before me this 19th day of April 1909 W.F. Craig Clerk Dist. Court in and for Madison County, Ia. By H.C. Husted Dep. ( District Court Seal)

And after the same was duly sworn to by them above stated, said Commissioners did, on the 19th day of April 1909, view said premises at 3 o'clock P.M. and assess the damages that the owner of the above described premises will sustain by reason of the aforesaid appropriation of a portion of the said land as and for the purposes aforesaid. Due and legal notice of the purpose of said Corporation to take said land, and of the time and place of the meeting of said Commissioners for the purpose of making such assessment having therefore been given to the owners of said above described land as shown by a copy of said notice, which, together with the proof of service or publication thereof, is hereto attached and made a part hereof. And thereupon said Commissioners made out and returned to me their report and assessment of damages as follows to-wit:

TO THE SHERIFF OF P.P. Breeding of Madison County, Iowa.

The undersigned duly appointed Commissioners to inspect the real estate hereinafter described, and assess the damages which the owner thereof will sustain by reason of the appropriation of the lands for the use of said City of Winterset for a Pumping Station, Reservoir or wells having been duly sworn, faithfully and impartially to assess all such damages, and it appearing that R.P. Bruce F.M. and John R. Bruce and all others having any interest in or owning any of the real estate hereinbefore described had been duly notified of the proceedings herein, and of the time and place of our meeting to view the said premises and assess said damages, we did on the 19th day of April 1909 at 3 o'clock P.M. of said day, view the above described premises and assess the damages which the owner thereof would sustain by reason of the appropriation by said Corporation, of a strip of land containing 2 Acres for the location,

construction and convenient use of its Pumping Station, Reservoirs, or Wells over and across said above described premises, together with the right to take, remove and use for the construction and repair of said Pumping Station Reservoir or Wells and its appurtenances, any earth, gravel, stone, timber or other material on or from the land so taken. And we now this 19th day of April 1909 return this, our true findings in the premises as shown below, as actual compensation for the specific land taken, to-wit:

Beginning at a point fourteen hundred sixty five (1465) feet west and thirty (30) feet North of the South East Corner of Section 35 Township 76, North Range 28 West of the 5th P.M. Iowa: Thence North Four Hundred Fifty Feet (450) Thence West One Hundred Ninety Three and eight tenths (193.8) feet; Thence South Four Hundred fifty (450) feet; Thence East One Hundred Ninety Three and eight tenths (193.8) feet to place of beginning: Containing two Acres as is shown by the maps, plans and plats of the survey of said Land for said Pumping Station Reservoir or wells at Eight Hundred fifty Dollars (\$850.00)

Geo Duff E.E. Orris, J.L. Peters, E. Jones, G.M. Grout and Joe Hamilton (Commissioners)

Which report and appraisalment was duly filed in my office on the 18th day of April 1909.

IN WITNESS WHEREOF, I have hereunto set my official signature this 27th day of April 1909

J.P. Breeding Sheriff  
Madison County Iowa.

Received of the City of Winterset a Corporation of the State of Iowa, the sum of Eight Hundred and Fifty Dollars (\$850.00) the full amount of damages and costs awarded by the Commissioners to F.M. Bruce John R. Bruce et al as shown in their report as above set out, this 27th day of April 1909

J.P. Breeding Sheriff ----- County,  
Iowa.

City of Winterset)  
vs

Winterset Iowa 4/26 1909

R.P. John R. & F.M. Bruce) Received of J.P. Breeding Sheriff of Madison Co Iowa Eight Hundred & Fifty \$850.00 Dollars in payment of Land taken for Water Right Purposes by Condemnation Proceedings in case above.

F.M. Bruce.  
J.R. Bruce.