FILED
JUN 25 1985
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

MARY V. LYNN,)

Plaintiff-Appellant,) Filed June 25, 1985

vs.)

CITY OF BURLINGTON, IOWA,) 5-199
84-400

Defendant-Appellee,)

IOWA SOUTHERN UTILITIES CO.,)

Defendant.)

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Appeal from the Iowa District Court for Des Moines County - D. B. Hendrickson, Judge.

Plaintiff appeals the award granted in a condemnation proceeding. AFFIRMED.

David A. Hirsch and Edward W. Dailey, Burlington, Iowa, for plaintiff-appellant.

Betty J. Ratekin of Pryor, Riley, Jones & Aspelmeier, Burlington, Iowa, for defendant-appellee.

Heard by Oxberger, C.J., Donielson, and Schlegel, JJ.

SCHLEGEL, J.

Plaintiff, Mary Lynn, appeals the award granted in a condemnation proceeding. We affirm.

Defendant, the City of Burlington, partially condemned Lynn's homestead by taking a perpetual avigation easement for the municipal airport. The trial court found that the condemnation reduced the value of Lynn's property in the amount of $13,000. Judgment was awarded in that amount.

In this law action, the trial court's findings of fact are binding upon this court if supported by substantial evidence. Iowa R. App. P. 14(f)(1). We do not weigh the evidence or pass on the credibility of the witnesses. Manson State Bank v. Diamond, 227 N.W.2d 195, 199 (Iowa 1975). Although the evidence presented by defendant can be criticized in some respects, it is sufficient to constitute substantial evidence.

AFFIRMED.