

Recorded: 7/20/2023 at 2:31:17.0 PM  
County Recording Fee: \$37.00  
Iowa E-Filing Fee: \$3.00  
Combined Fee: \$40.00  
Revenue Tax:  
Delaware County, Iowa  
Daneen Schindler RECORDER  
BK: 2023 PG: 1691



Prepared by & Return To: Maura M. Miller, Right of Way Bureau, 800 Lincoln Way, Ames, IA 50010, 515-239-1029  
Address Tax Statements: Tax Exempt-IA Code Sec. 427.2 Iowa DOT, ROW-Property Management, 800 Lincoln Way, Ames, IA 50010

## EASEMENT FOR PUBLIC HIGHWAY

For the consideration of TWENTY-EIGHT THOUSAND SIX HUNDRED AND NO/100----- (\$28,600.00)-----DOLLARS and other valuable consideration in hand paid by Iowa Department of Transportation, **LINDA M. KIRBY**, A SINGLE PERSON, does hereby grant to the **STATE OF IOWA**, a permanent easement for road purposes and for use as a Public Highway in, to, on, over and across the following described real estate in Delaware County, Iowa:

### THE EASEMENT GRANTED FOR HIGHWAY PURPOSES IS TO LAND DESCRIBED AS FOLLOWS:

A parcel of land located in the NW<sup>1</sup>/<sub>4</sub> of the NW<sup>1</sup>/<sub>4</sub>; a parcel of land located in Parcels A and B in the NW<sup>1</sup>/<sub>4</sub> of the NW<sup>1</sup>/<sub>4</sub>; a parcel of land partially located in Parcel F in the NW<sup>1</sup>/<sub>4</sub> of the NW<sup>1</sup>/<sub>4</sub> and in the NW<sup>1</sup>/<sub>4</sub> of the NW<sup>1</sup>/<sub>4</sub>; and a parcel of land located in Parcel A in the NW<sup>1</sup>/<sub>4</sub> of the NW<sup>1</sup>/<sub>4</sub>, all in Section 8, Township 89 North, Range 5 West of the 5<sup>th</sup> P.M., Delaware County, Iowa, as shown on the Acquisition Plat Exhibit "A-1 of 3", A-2 of 3" and "A-3 of 3", attached hereto and by reference made a part hereof and more particularly described as follows:

#### Parcel A

Commencing at the Southeast corner of the NW<sup>1</sup>/<sub>4</sub> of the NW<sup>1</sup>/<sub>4</sub> of Section 8, Township 89 North, Range 5 West of the 5<sup>th</sup> P.M., Delaware County, Iowa; thence South 89°30'32" West 148.54 feet along the South line of the NW<sup>1</sup>/<sub>4</sub> of the NW<sup>1</sup>/<sub>4</sub> of said Section 8 to the Southwest corner of a parcel of land described by warranty deed recorded in Book 118, Page 304 in the Office of the Delaware County Recorder; thence North 02°24'44" East 33.04 feet along the West line of said parcel of land to the existing Northeasterly right of way line of Iowa Highway 13 and the Point of Beginning; thence continuing along said existing Northeasterly right of way line North 02°24'44" East 39.92 feet; thence South 31°30'24" East 46.55 feet to said existing Northeasterly right of way line; thence South 89°33'45" West 26.01 feet along said existing Northeasterly right of way line to the Point of Beginning, containing 0.01 acres more or less.

**Note:** The South line of the NW<sup>1</sup>/<sub>4</sub> of the NW<sup>1</sup>/<sub>4</sub> of Section 8, Township 89 North, Range 5 West of the 5<sup>th</sup> P.M., Delaware County, Iowa is assumed to bear South 89°30'32" West.

and

**Parcel B**

Commencing at the Southeast corner of the NW¼ of the NW¼ of Section 8, Township 89 North, Range 5 West of the 5<sup>th</sup> P.M., Delaware County, Iowa; thence North 02°23'43" East 238.34 feet along the East line of the NW¼ of the NW¼ of said Section 8 to the Northeast corner of a Parcel B in the NW¼ of the NW¼ of said Section 8 as recorded in Book 2005, Page 113 in the Office of the Delaware County Recorder; thence South 89°31'50" West 274.70 feet along the North line of said Parcel B to the Point of Beginning; thence South 35°12'24" East 112.05 feet to the existing Northeastly right of way line of Iowa Highway 13; thence South 88°57'10" West 13.80 feet along said existing Northeastly right of way line; thence continuing along said existing Northeastly right of way line and along a circular curve concave Southwesterly for an arc length of 129.16 feet, said circular curve having a central angle of 04°57'37", a radius of 1491.90 feet, a chord bearing of North 35°52'15" West and a chord length of 129.12 feet; thence continuing along said existing Northeastly right of way line North 38°21'03" West 55.00 feet to a Westerly line of Parcel A in the NW¼ of the NW¼ of said Section 8 as recorded in Book 2005, Page 113 in the Office of the Delaware County Recorder; thence North 51°41'07" East 15.96 feet along said Westerly line of Parcel A; thence South 35°12'24" East 80.59 feet to the Point of Beginning, containing 0.05 acres more or less.

**Note:** The East line of the NW¼ of the NW¼ of Section 8, Township 89 North, Range 5 West of the 5<sup>th</sup> P.M., Delaware County, Iowa is assumed to bear North 02°23'43" East.

and

**Parcel C**

Beginning at the Northwest corner of Section 8, Township 89 North, Range 5 West of the 5<sup>th</sup> P.M., Delaware County, Iowa; thence North 89°35'23" East 37.95 feet along the North line of the NW¼ of the NW¼ of said Section 8 to the existing Westerly right of way line of Iowa Highway 13; thence along said existing Westerly right of way line and along a circular curve concave Northeastly for an arc length of 468.37 feet, said circular curve having a central angle of 17°59'12", a radius of 1491.95 feet, a chord bearing of South 29°21'27" East and a chord length of 466.44 feet; thence continuing along said existing Westerly right of way line South 38°21'03" East 922.76 feet to the Southerly line of Parcel F in the NW¼ of the NW¼ of said Section 8 as recorded in the Office of the Delaware County Recorder in Book 2012, Page 4420; thence South 89°44'07" West 21.65 feet along the Southerly line of said Parcel F; thence North 37°25'33" West 246.45 feet; thence North 42°36'05" West 229.63 feet; thence North 34°50'43" West 163.31 feet; thence North 40°05'17" West 292.43 feet; thence North 36°03'43" West 106.23 feet; thence North 34°34'41" West 173.31 feet; thence North 21°18'22" West 192.09 feet to the Point of Beginning, containing 0.82 acres more or less.

**Note:** The North line of the NW¼ of the NW¼ of Section 8, Township 89 North, Range 5 West of the 5<sup>th</sup> P.M., Delaware County, Iowa is assumed to bear North 89°35'23" East.

and

**Parcel D**

Commencing at the Northeast corner of the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 8, Township 89 North Range 5 West of the 5<sup>th</sup> P.M., Delaware County, Iowa; thence South 89°35'23" West 1120.16 feet along the North line of the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of said Section 8 and the North line of Parcel A as recorded in Book 2005, Page 113 in the Office of the Delaware County Recorder to the Point of Beginning; thence South 25°32'09" East 299.72 feet; thence South 37°17'16" East 196.25 feet; thence South 38°49'21" East 368.31 feet to the Northerly line of Parcel C in the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of said Section 8 as recorded in Book 2005, Page 113 in the Office of the Delaware County Recorder; thence South 81°21'59" West 19.48 feet along the Northerly line of said Parcel C to the existing Easterly right of way line of Iowa Highway 13; thence North 38°21'03" West 488.61 feet along said existing Easterly right of way line; thence continuing along said existing Easterly right of way line and along a circular curve concave Northeasterly for an arc length of 386.87 feet, said circular curve having a central angle of 16°09'23", a radius of 1371.95 feet, a chord bearing of North 30°16'22" West and a chord length of 385.59 feet to the North line of said NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  and the North line of said Parcel A; thence North 89°35'23" East 37.82 feet along the North line of said NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  and the North line of said Parcel A to the Point of Beginning, containing 0.42 acres more or less.

**Note:** The North line of the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 8, Township 89 North, Range 5 West of the 5<sup>th</sup> P.M., Delaware County, Iowa is assumed to bear South 89°35'23" West.

This easement is given in fulfillment of a certain Purchase Agreement dated June 26, 2023, and recorded in the Delaware County Recorder's Office on June 29, 2023, at Book 2023, Page 1474, except for those terms that survive the execution of this document.

The additional amount of \$ 11,103.00, as agreed to by the aforesaid Agreement, is paid as severance damages to the remaining property and is not subject to real estate transfer tax.

This easement and transfer is exempt from transfer tax. Iowa Code Sec. 428A.2(17).

This easement is being acquired for public purposes through eminent domain and a Declaration of Value is not required. Iowa Code Sec. 428A.1.

Grantors do hereby covenant with grantees, and successors in interest, that grantors hold the real estate by title in fee simple; that they have good and lawful authority to grant an easement on the real estate; and grantors covenant to warrant and defend the real estate against the lawful claims of all persons except as may be above stated. Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share in and to the easement.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Dated June 6, 2023

Linda M Kirby (Sign in Ink)  
Linda M. Kirby

STATE OF Iowa, COUNTY OF Delaware, ss:

This instrument was acknowledged before me on June 6, 2023 by Linda M. Kirby.



[Signature] (Sign in Ink)  
Notary Public.

(AFFIX NOTARIAL SEAL ABOVE ▲)

Iowa Department of Transportation

ACQUISITION PLAT  
EXHIBIT "A-1 OF 3"



COUNTY DELAWARE STATE CONTROL NO. \_\_\_\_\_  
 ROW PROJECT NO. NHSN-013-2(43)--2R-28 PARCEL NO. 23  
 SECTION 8 TOWNSHIP 89 NORTH RANGE 5 WEST  
 ROW-FEE \_\_\_\_\_ AC, EASE 0.06 +/- AC EXCESS-FEE \_\_\_\_\_ AC  
 ACCESS RIGHTS ACQUIRED - STA \_\_\_\_\_ STA \_\_\_\_\_ MAIN LINE \_\_\_\_\_ SIDE \_\_\_\_\_  
 ACCESS RIGHTS ACQUIRED - STA \_\_\_\_\_ STA \_\_\_\_\_ SIDE ROAD \_\_\_\_\_ SIDE \_\_\_\_\_  
 ACQUIRED FROM \_\_\_\_\_

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	129.16'	1491.90'	04°57'37"	N 35°52'15" W	129.12'

NE CORNER NW1/4 NW1/4  
SEC. 8, T89N, R5W  
FD. 1/2" IRON ROD W/  
ORANGE CAP #8419

DATE DRAWN: 7/28/2022  
DATE REVISED: 5/31/2023

LINE	BEARING	DISTANCE
L1	N 02°24'44" E (S 04°14'27" W)	33.04'
L2	N 02°24'44" E (S 04°14'27" W)	39.92'
L3	S 31°30'24" E	46.55'
L4	S 89°33'45" W	26.01'
L5	S 89°33'45" W	122.45'
L6	S 88°57'10" W (S 86°41' W)	13.80'
L7	N 38°21'03" W	55.00'
L8	N 51°41'07" E (S 53°28'20" W)	15.96'
L9	S 35°12'24" E	80.59'
L10	N 51°41'07" E (S 53°28'20" W)	14.22'

PARCEL A  
IN THE NW1/4 NW1/4  
SEC. 8, T89N, R5W  
BOOK 2005, PAGE 113

PARCEL B  
0.05 +/- ACRES  
P.O.B. PARCEL B

(S 88°38'57" E)  
S 89°31'50" W 274.70'

PARCEL B  
IN THE NW1/4 NW1/4  
SEC. 8, T89N, R5W  
BOOK 2005, PAGE 113

SOUTH 9 RODS  
OF THE EAST 9 RODS  
OF THE NW1/4 NW1/4  
SEC. 8, T89N, R5W  
BOOK 118, PAGE 304

PARCEL A  
0.01 +/- ACRES

P.O.B. PARCEL A  
(148.50')  
148.54'

☉ CURVE DATA:  
PC: 1132+72.27  
PT: 1142+84.89  
L: 1012.62'  
R: 1432.50'  
Δ: 40°30'06"  
CH BRG: N 18°06'18" W  
CH: 991.67'

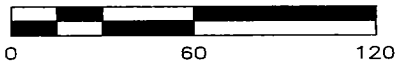
SW CORNER NW1/4 NW1/4  
SEC. 8, T89N, R5W  
FD. 1/2" IRON ROD W/  
ORANGE CAP #8419

S 89°30'32" W 1328.31'  
(N 88°38'57" W 1328.26')

SE CORNER NW1/4 NW1/4  
SEC. 8, T89N, R5W  
FD. 1/2" IRON ROD  
WITH NO CAP

IOWA HIGHWAY #13  
☉ PER PROJECT NO.  
NHSN-013-2(43)--2R-28

SCALE: 1" = 60'



LEGEND

- FD. 1/2" IRON ROD W/  
ORANGE CAP #8419
- ⊙ FD. 1/2" IRON ROD W/  
ORANGE CAP #17939
- ☒ FD. R.O.W. RAIL
- CENTERLINE
- - - R.O.W. LINE
- - - SECTION LINE AND OR 1/4  
OR 1/4 1/4 SECTION LINE
- ▨ PERMANENT EASEMENT
- ( ) RECORDED AS  
P.O.B. POINT OF BEGINNING



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

*Brad J. Burger* 5/31/2023  
BRAD J. BURGER LICENSE NO. 20281 DATE

My license renewal date is December 31, 2024

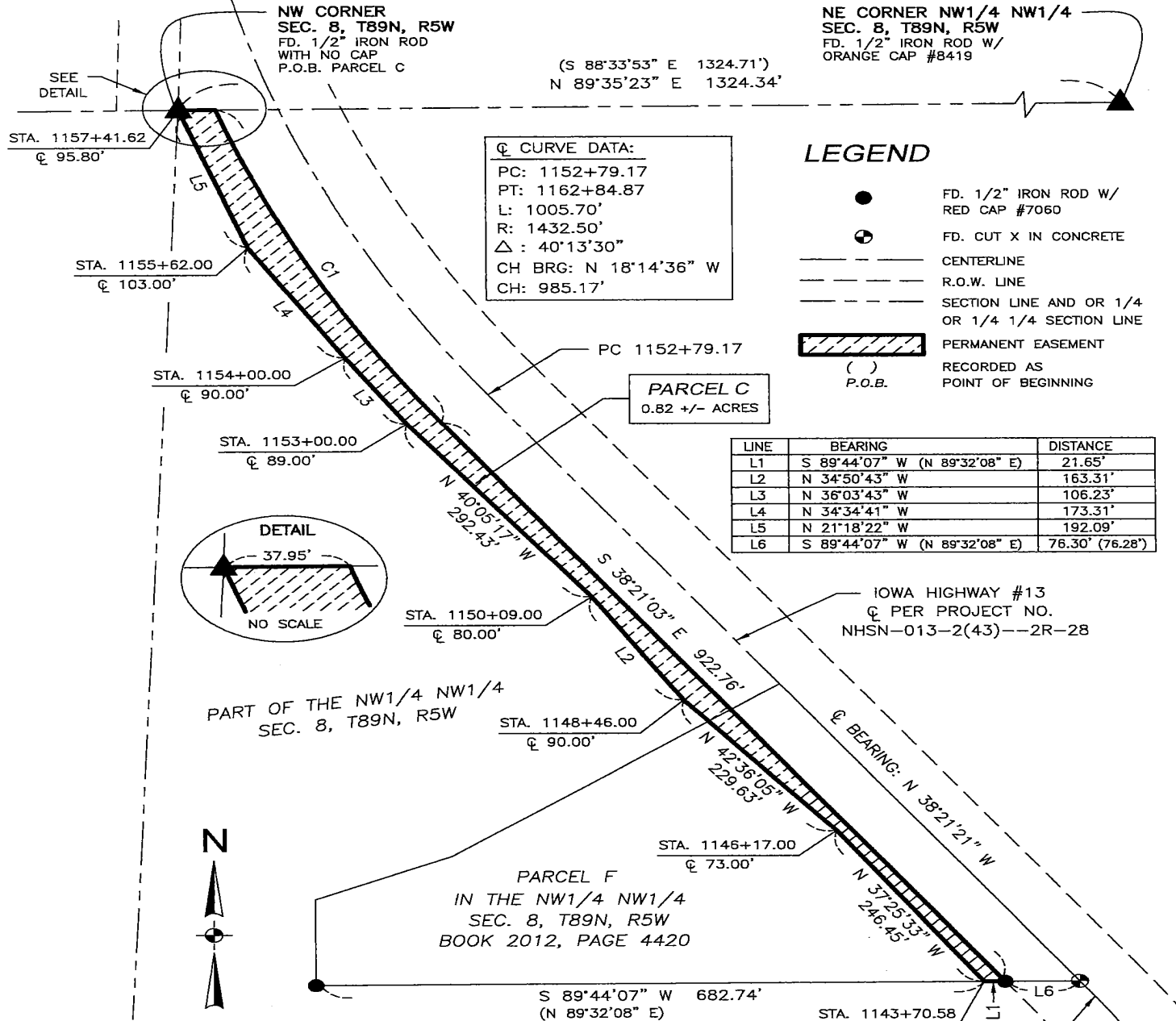
Pages or sheets covered by this seal:                      This page only

Iowa Department of Transportation

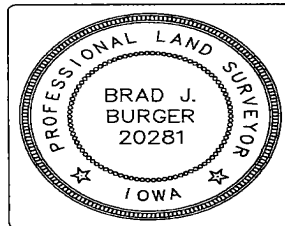
ACQUISITION PLAT  
EXHIBIT "A-2 OF 3"



COUNTY DELAWARE STATE CONTROL NO. \_\_\_\_\_  
 ROW PROJECT NO. NHSN-013-2(43)--2R-28 PARCEL NO. 23  
 SECTION 8 TOWNSHIP 89 NORTH RANGE 5 WEST  
 ROW-FEE \_\_\_\_\_ AC, EASE 0.82 +/- AC EXCESS-FEE \_\_\_\_\_ AC  
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 ACCESS RIGHTS ACQUIRED - STA \_\_\_\_\_ STA \_\_\_\_\_ SIDE ROAD \_\_\_\_\_ SIDE  
 ACQUIRED FROM \_\_\_\_\_



CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	468.37'	1491.95'	17°59'12"	S 29°21'27" E	466.44'

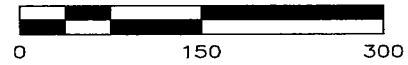


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Brad J. Burger 5/31/2023  
 BRAD J. BURGER LICENSE NO. 20281 DATE  
 My license renewal date is December 31, 2024  
 Pages or sheets covered by this seal: This page only

DATE DRAWN: 7/28/2022  
DATE REVISED: 5/31/2023

SCALE: 1" = 150'

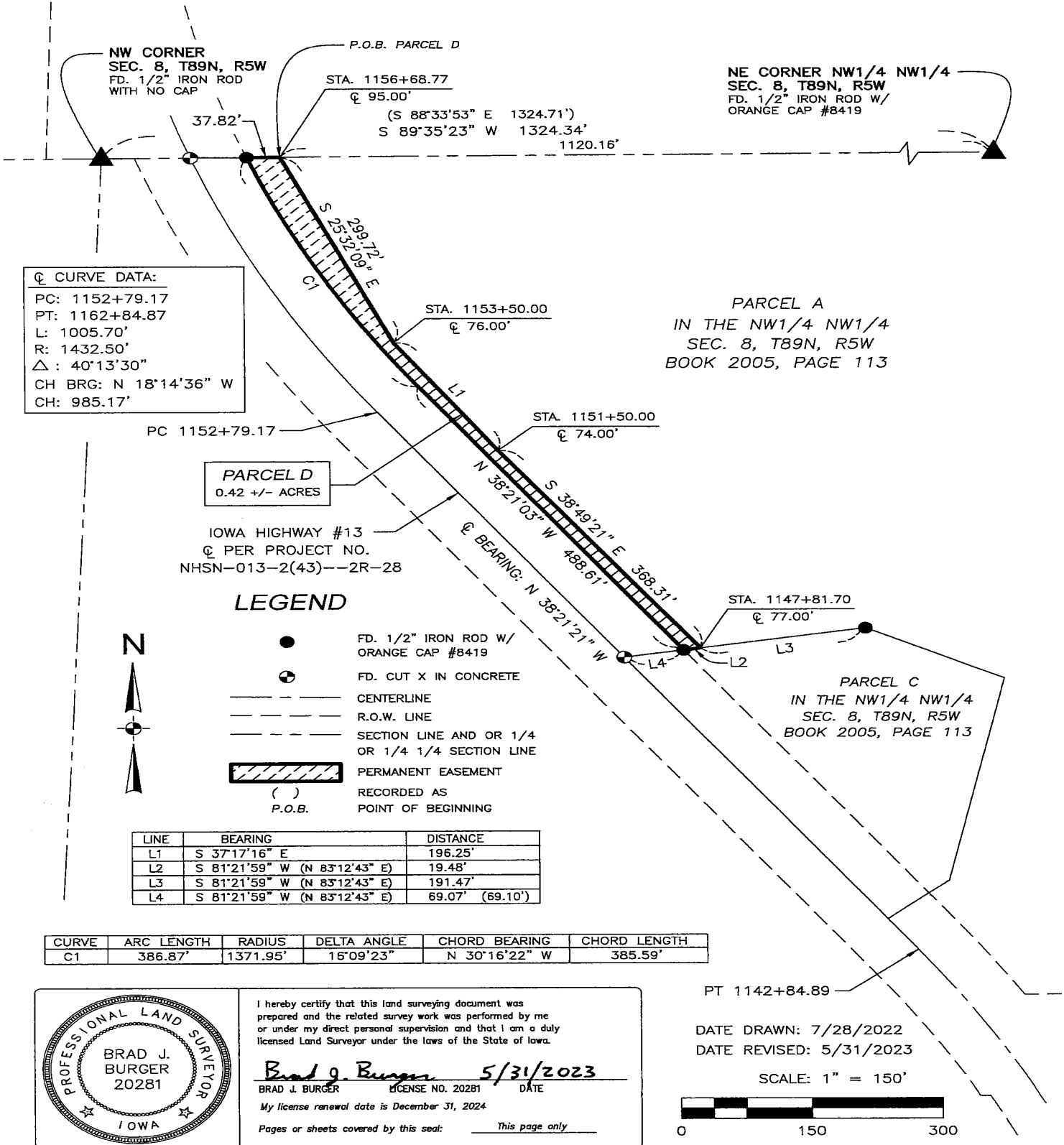


# Iowa Department of Transportation

ACQUISITION PLAT  
EXHIBIT "A-3 OF 3"



COUNTY DELAWARE STATE CONTROL NO. \_\_\_\_\_  
 ROW PROJECT NO. NHSN-013-2(43)--2R-28 PARCEL NO. 23  
 SECTION 8 TOWNSHIP 89 NORTH RANGE 5 WEST  
 ROW-FEE \_\_\_\_\_ AC, EASE 0.42 +/- AC EXCESS-FEE \_\_\_\_\_ AC  
 ACCESS RIGHTS ACQUIRED -- STA \_\_\_\_\_ STA \_\_\_\_\_ MAIN LINE \_\_\_\_\_ SIDE  
 ACCESS RIGHTS ACQUIRED -- STA \_\_\_\_\_ STA \_\_\_\_\_ SIDE ROAD \_\_\_\_\_ SIDE  
 ACQUIRED FROM \_\_\_\_\_



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

Brad J. Burger 5/31/2023  
 BRAD J. BURGER LICENSE NO. 20281 DATE  
 My license renewal date is December 31, 2024  
 Pages or sheets covered by this seal: This page only

PT 1142+84.89

DATE DRAWN: 7/28/2022  
 DATE REVISED: 5/31/2023  
 SCALE: 1" = 150'