

Recorded: 8/3/2023 at 3:42:24.0 PM  
County Recording Fee: \$22.00  
Iowa E-Filing Fee: \$3.00  
Combined Fee: \$25.00  
Revenue Tax:  
Delaware County, Iowa  
Daneen Schindler RECORDER  
BK: 2023 PG: 1834



Prepared by & Return To: Carrie Crabtree, Right of Way Bureau, 800 Lincoln Way, Ames, IA 50010, 515-233-7753  
Address Tax Statements: Tax Exempt-IA Code Sec. 427.2 Delaware County Engineer's Office, 2139 Highway 28,  
Manchester, IA 52057

## EASEMENT FOR PUBLIC HIGHWAY

For the consideration of Three hundred ninety AND  
NO/100----(\$ 390.00 )----DOLLARS and other valuable consideration in  
hand paid by Iowa Department of Transportation, **DIANNE K. FOUST**, a single person,  
does hereby grant to **DELAWARE COUNTY, 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 SW $\frac{1}{4}$  of the NW Fr $\frac{1}{4}$  of Section Five, Township  
Eighty-nine North, Range Five West of the 5<sup>th</sup> P.M., Delaware County, Iowa,  
as shown on the Acquisition Plat Exhibit "A", attached hereto and by  
reference made a part hereof and more particularly described as follows:

Commencing at the W  $\frac{1}{4}$  corner of Section Five (5), Township Eighty-nine  
North (T89N), Range Five West (R5W) of the Fifth (5<sup>th</sup>) Principal Meridian,  
Delaware County, Iowa; thence South 89° 49' 33" East 68.82 feet along the  
South line of the Southwest Quarter (SW $\frac{1}{4}$ ) of the NW Fr $\frac{1}{4}$  of said  
Section Five (5); thence North 01° 38' 28" East 33.01 feet to the Point of  
Beginning, corner also being at the intersection of the existing Easterly right  
of way line of Iowa Highway 13 with the existing Northerly right of way line  
of 165<sup>th</sup> Street; thence North 01° 38' 28" East 49.19 feet along said existing  
Easterly right of way line of Iowa Highway 13; thence South 16° 59' 52" East  
23.05 feet; thence South 63° 05' 52" East 60.36 feet to said existing  
Northerly right of way line of 165<sup>th</sup> Street; thence North 89° 49' 33" West  
61.97 feet along said existing Northerly right of way line to the Point of  
Beginning, containing 0.02 acres more or less.

Note: The South line of the SW  $\frac{1}{4}$  of the NW Fr $\frac{1}{4}$  of Section Five (5),  
Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth  
(5<sup>th</sup>) Principal Meridian, Delaware County, Iowa is assumed to bear South  
89° 49' 33" East.

This easement, and a certain Easement, to State of Iowa, executed by the above named grantor is given in fulfillment of a certain Purchase Agreement dated July 10, 2023, and recorded in the Delaware County Recorder's Office on July 13, 2023, at Book 2023, Page 1610, as Document No. \_\_\_\_\_, except for those terms that survive the execution of this document.

The additional amount of \$ ---, 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 13, 2023

Dianne K. Foust (Sign in Ink)  
Dianne K. Foust

STATE OF Iowa, COUNTY OF Delaware, ss:

This instrument was acknowledged before me on June 13, 2023  
by Dianne K. Foust.



[Signature] (Sign in Ink)  
Notary Public.

(AFFIX NOTARIAL SEAL ABOVE ▲)

# Iowa Department of Transportation

## ACQUISITION PLAT EXHIBIT "A"

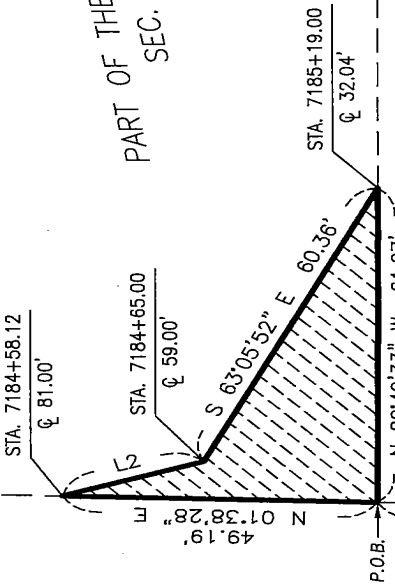


COUNTY DELAWARE STATE CONTROL NO. \_\_\_\_\_  
 ROW PROJECT NO. NHSN-013-2(43)--2R-28 PARCEL NO. 30  
 SECTION 5 TOWNSHIP 89 NORTH RANGE 5 WEST  
 ROW-FEE \_\_\_\_\_ AC, EASE \* 0.02 +/- AC EXCESS-FEE \_\_\_\_\_ AC  
 ACCESS RIGHTS ACQUIRED - STA \_\_\_\_\_ STA \_\_\_\_\_ MAIN LINE \_\_\_\_\_ SIDE  
 ACCESS RIGHTS ACQUIRED - STA \_\_\_\_\_ STA \_\_\_\_\_ SIDE ROAD \_\_\_\_\_ SIDE  
 ACQUIRED FROM \_\_\_\_\_

\* ACQUIRED IN THE NAME OF DELAWARE COUNTY

LINE	BEARING	DISTANCE
L1	N 01°38'28" E	33.01'
L2	S 16°59'52" E	23.05'

PART OF THE SW 1/4 NW FRL. 1/4  
 SEC. 5, T89N, R5W



CL 165TH STREET  
 PER PROJECT NO.  
 NHSN-013-2(43)--2R-28  
 CL BEARING: S 89°37'45" E

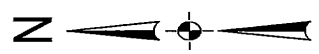
S 89°49'33" E 2646.86'  
 (S 87°58'55" E 2646.90')

W 1/4 CORNER  
 SEC. 5, T89N, R5W  
 FD. CUT X IN CONCRETE

CENTER OF SECTION  
 SEC. 5, T89N, R5W  
 FOUND IOWA DOT  
 ALUMINUM MONUMENT

### LEGEND

- 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



SCALE: 1" = 30'



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* 8/12/2022  
 BRAD J. BURGER LICENSE NO. 20281 DATE  
 My license renewal date is December 31, 2022.  
 Pages or sheets covered by this seal: \_\_\_\_\_ This page only \_\_\_\_\_

PROFESSIONAL LAND SURVEYOR  
 BRAD J. BURGER  
 20281  
 IOWA