

Recorded: 8/3/2023 at 3:42:25.0 PM
County Recording Fee: \$27.00
Iowa E-Filing Fee: \$3.00
Combined Fee: \$30.00
Revenue Tax:
Delaware County, Iowa
Daneen Schindler RECORDER
BK: 2023 PG: 1835



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 Iowa DOT, ROW-Property Management, 800 Lincoln Way, Ames, IA 50010

EASEMENT FOR PUBLIC HIGHWAY

For the consideration of Six thousand one hundred ninety-five AND NO/100----(\$ 6,195.00)----DOLLARS and other valuable consideration in hand paid by Iowa Department of Transportation, **DIANNE K. FOUST**, 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:

Parcel A

A parcel of land located in the SW $\frac{1}{4}$ of the NW Frl. $\frac{1}{4}$ and the NW Frl. $\frac{1}{4}$ of the NW Frl. $\frac{1}{4}$, all in Section Five (5), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth (5th) Principal Meridian, Delaware County, Iowa, as shown on the Acquisition Plat Exhibit "A1 of 2", 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 (5th) Principal Meridian, Delaware County, Iowa; thence South 89° 49' 33" East 68.82 feet along the South line of the SW $\frac{1}{4}$ of the NW Frl. $\frac{1}{4}$ of said Section Five (5); thence North 01° 38' 28" East 33.01 feet to the intersection of the existing Easterly right of way line of Iowa Highway 13 with the existing Northerly right of way line of 165th Street; thence North 01° 38' 28" East 240.56 feet along said existing Easterly right of way line of Iowa Highway 13 to the Point of Beginning; thence continuing along said existing Easterly right of way line North 01° 38' 28" East 1372.00 feet; thence South 00° 04' 56" East 276.13 feet; thence South 01° 35' 14" West 721.00 feet; thence South 00° 05' 17" West 254.10 feet; thence South 09° 06' 50" West 122.03 feet to the Point of Beginning, containing 0.26 acres more or less.

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

AND

Parcel B

A parcel of land located in the NW Fr. ¼ of the NW Fr. ¼ of Section Five (5), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth (5th) Principal Meridian, Delaware County, Iowa, as shown on the Acquisition Plat Exhibit "A2 of 2", attached hereto and by reference made a part hereof and more particularly described as follows:

Commencing at the W ¼ corner of Section Five (5), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth (5th) Principal Meridian, Delaware County, Iowa; thence South 89° 49' 33" East 68.82 feet along the South line of the NW Fr. ¼ of said Section Five (5); thence North 01° 38' 28" East 33.01 feet to the intersection of the existing Easterly right of way line of Iowa Highway 13 with the existing Northerly right of way line of 165th Street; thence North 01° 38' 28" East 1910.56 feet along said existing Easterly right of way line of Iowa Highway 13 to the Point of Beginning; thence continuing along said existing Easterly right of way line North 01° 38' 28" East 296.00 feet; thence South 04° 02' 23" East 127.63 feet; thence South 00° 55' 56" West 78.01 feet; thence South 10° 08' 29" West 92.00 feet to the Point of Beginning, containing 0.06 acres more or less.

Note: The South line of the NW Fr. ¼ of Section Five (5), Township Eighty-nine North (T89N), Range Five West (R5W), of the Fifth (5th) Principal Meridian, Delaware County, Iowa is assumed to bear South 89° 49' 33" East.

This easement, and a certain Easement to Delaware County, 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 \$ 35.00, 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 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 "A1 OF 2"



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 0.26 +/- AC EXCESS-FEE _____ AC
 ACCESS RIGHTS ACQUIRED - STA _____ STA _____ MAIN LINE _____ SIDE
 ACCESS RIGHTS ACQUIRED - STA _____ STA _____ SIDE ROAD _____ SIDE
 ACQUIRED FROM _____



IOWA HIGHWAY #13
 ☉ PER PROJECT NO.
 NHSN-013-2(43)--2R-28
 ☉ BEARING: N 01°40'00" E

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

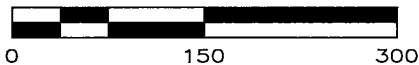
LINE	BEARING	DISTANCE
L1	S 89°49'33" E	68.82'
L2	N 01°38'28" E	33.01'
L3	N 01°38'28" E	240.56'
L4	S 00°04'56" E	276.13'
L5	S 00°05'17" W	254.10'
L6	S 09°06'50" W	122.03'

ACREAGE SUMMARY TABLE

PARCEL A OF PARCEL 30	NW FRL.1/4 NW FRL.1/4 SEC. 5, T89N, R5W	SW1/4 NW FRL.1/4 SEC. 5, T89N, R5W
	ACRES	ACRES
	0.03 +/-	0.23 +/-

DATE DRAWN: 8/12/2022
 DATE REVISED: 5/31/2023

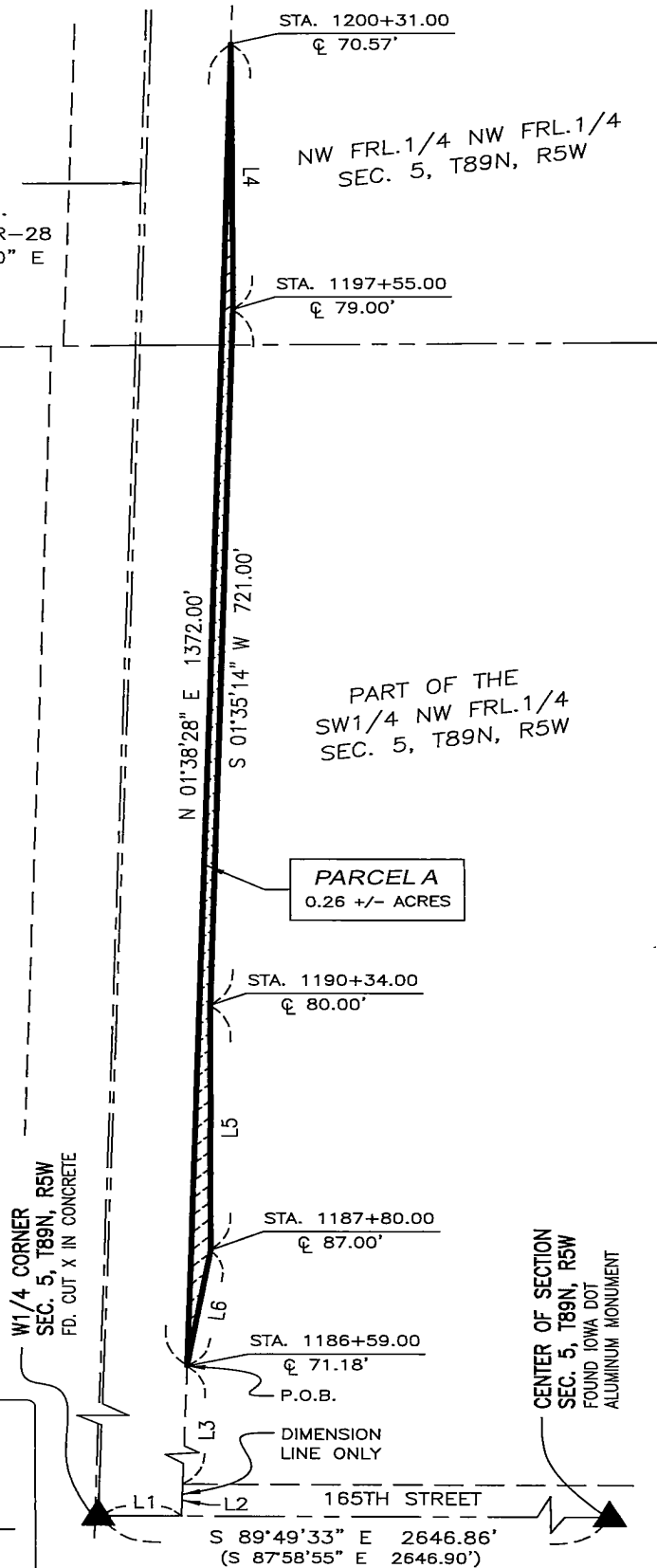
SCALE: 1" = 150'



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

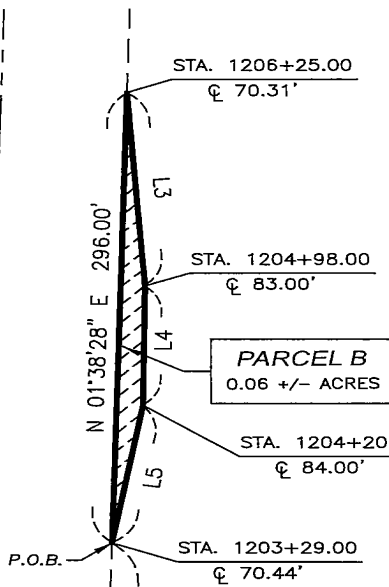
ACQUISITION PLAT
EXHIBIT "A2 OF 2"



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 0.06 +/- AC EXCESS-FEE _____ AC
 ACCESS RIGHTS ACQUIRED - STA _____ STA _____ MAIN LINE _____ SIDE
 ACCESS RIGHTS ACQUIRED - STA _____ STA _____ SIDE ROAD _____ SIDE
 ACQUIRED FROM _____



LINE	BEARING	DISTANCE
L1	S 89°49'33" E	68.82'
L2	N 01°38'28" E	33.01'
L3	S 04°02'23" E	127.63'
L4	S 00°55'56" W	78.01'
L5	S 10°08'29" W	92.00'



NW FRL.1/4 NW FRL.1/4
SEC. 5, T89N, R5W

IOWA HIGHWAY #13
 ☉ PER PROJECT NO.
 NHSN-013-2(43)--2R-28
 ☉ BEARING: N 01°40'00" E

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

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

W1/4 CORNER
SEC. 5, T89N, R5W
FD. CUT X IN CONCRETE

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



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

DATE DRAWN: 8/12/2022
DATE REVISED: 5/31/2023

SCALE: 1" = 100'

