

Recorded: 8/21/2023 at 10:51:37.0 AM
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: 1970



Prepared by & Return To: Stacia L. Turner, Right of Way Bureau, 800 Lincoln Way, Ames, IA 50010, 515-239-1269
Address Tax Statements: Tax Exempt-IA Code Sec. 427.2 (Iowa DOT, ROW-Property Management, 800 Lincoln Way, Ames, IA 50010)

TRUSTEE EASEMENT FOR PUBLIC HIGHWAY (Inter Vivos Trust)

For the consideration of Twenty Four Thousand Four Hundred Twenty AND NO/100—(\$ 24,420.00)—DOLLARS and other valuable consideration in hand paid by Iowa Department of Transportation, ROSE ANN KELCHEN, Trustee of the ROSE ANN KELCHEN REVOCABLE TRUST UNDER AGREEMENT DATED SEPTEMBER 4, 2008, 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 Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Eighteen (18), Township Ninety North (T90N), Range Five West (R5W), of the Fifth (5th) P. M., Delaware County, Iowa, as shown on the Acquisition Plat Exhibit "A-1 of 2", attached hereto and by reference made a part hereof and more particularly described as follows:

Commencing at the East Quarter (E $\frac{1}{4}$) Corner of Section Eighteen (18), Township Ninety North (T90N), Range Five West (R5W), of the Fifth (5th) P. M., Delaware County, Iowa; thence South 89° 23' 53" West 64.07 feet along the South line of the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section Eighteen (18) to the existing Westerly right of way line of Iowa Highway 13 and the Point of Beginning; thence continuing along the South line of said Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) South 89° 23' 53" West 36.13 feet; thence North 02° 54' 56" East 84.48 feet; thence North 04° 18' 14" East 388.25 feet; thence North 08° 34' 39" East 135.83 feet; thence North 01° 25' 36" East 212.02 feet; thence North 06° 03' 05" East 105.23 feet; thence North 04° 08' 49" West 143.89 feet; thence North 03° 11' 03" East 121.02 feet; thence North 15° 42' 12" West 149.34 feet to the North line of said Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$); thence North 89° 40' 51" East 62.18 feet along the North line of said Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) to said existing Westerly right of way line of Iowa Highway 13; thence South 02° 14' 20" West 1331.54 feet along said existing Westerly right of way line to the Point of Beginning, containing 0.62 acres more or less.

Note: The East line of the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of Section Eighteen (18), Township Ninety North (T90N), Range Five West (R5W), of the Fifth (5th) P. M., Delaware County, Iowa is assumed to bear North 02° 10' 35" East.

And

Parcel B

A parcel of land located in the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of Section Nineteen (19), Township Ninety North (T90N), Range Five West (R5W) of the Fifth (5th) P. M., Delaware County, Iowa, as shown on the Acquisition Plat Exhibit "A-2 of 2", attached hereto and by reference made a part hereof and more particularly described as follows:

Commencing at the East Quarter (E¼) Corner of Section Nineteen (19), Township Ninety North (T90N), Range Five West (R5W) of the Fifth (5th) P. M., Delaware County, Iowa; thence South 89° 20' 36" West 57.80 feet along the South line of the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of said Section Nineteen (19) to the existing Westerly right of way line of Iowa Highway 13 and the Point of Beginning; thence North 07° 47' 44" West 240.06 feet; thence North 09° 04' 08" East 201.68 feet; thence North 05° 54' 12" West 258.25 feet; thence North 02° 39' 03" East 289.73 feet to the South line of Parcel A as recorded in Book 2000, Page 1160 in the office of the Delaware County Recorder; thence North 89° 39' 50" East 71.22 feet along the South line of said Parcel A to said existing Westerly right of way line of Iowa Highway 13; thence South 01° 53' 37" West 433.10 feet along said existing Westerly right of way line; thence continuing along said existing Westerly right of way line North 88° 06' 23" West 27.07 feet; thence continuing along said existing Westerly right of way line South 01° 39' 08" West 551.97 feet to the Point of Beginning, containing 0.98 acres more or less.

Note: The East line of the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of Section Nineteen (19), Township Ninety North (T90N), Range Five West (R5W), of the Fifth (5th) P. M., Delaware County, Iowa is assumed to bear North 01° 53' 37" East.

This easement is given in fulfillment of a certain Purchase Agreement dated July 24, 2023, and recorded in the Delaware County Recorder's Office on July 27, 2023, at Book 2023, Page 1759, as Document No. _____, except for those terms that survive the execution of this document.

The additional amount of \$ 370.00, 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.

Grantor does hereby covenant with grantees, and successors in interest, that it holds the real estate by title in fee simple; that it has good and lawful authority to grant an easement on the real estate; and it covenants to warrant and defend the real estate against the lawful claims of all persons except as may be above stated.

The grantor further warrants to the grantee all of the following: That the trust pursuant to which the transfer is made is duly executed and in existence; that to the knowledge of the grantor the person creating the trust was under no disability or infirmity at the time the trust was created; that the transfer by the trustee to the grantee is effective and rightful; and that the trustee knows of no facts or legal claims which might impair the validity of the trust or the validity of the transfer.

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

Dated June 26, 2023.

ROSE ANN KELCHEN REVOCABLE TRUST

By Rose Ann Kelchen (Sign in Ink)
ROSE ANN KELCHEN, Trustee

STATE OF Iowa, COUNTY OF Delaware, ss:

This instrument was acknowledged before me on June 26, 2023, by Rose Ann Kelchen as Trustee of the above-entitled trust.



Zach D. Engstrom (Sign in Ink)
Notary Public.

(AFFIX NOTARIAL SEAL ABOVE ▲)

CAVEAT: The trustee/grantor should consult with their lawyer concerning the trustee's personal liability arising out of the warranties contained herein.

Iowa Department of Transportation

ACQUISITION PLAT
EXHIBIT "A-1 OF 2"



COUNTY DELAWARE STATE CONTROL NO. _____
 ROW PROJECT NO. NHSN-013-2(43)--2R-28 PARCEL NO. 45
 SECTION 18 TOWNSHIP 90 NORTH RANGE 5 WEST
 ROW-FEE _____ AC ±, EASE 0.62 AC ±, EXCESS-FEE _____ AC ±
 ACQUIRED FROM ROSE ANN KELCHEN REVOCABLE TRUST UNDER AGREEMENT DATED SEPTEMBER 4, 2008

PARCEL 45 ACREAGE SUMMARY TABLE SECTION 18, T90N, R5W	
LOCATION	NEW R.O.W.
SE 1/4 NE 1/4	0.62 AC. ±

STATION/OFFSET NEW R.O.W. ACQUISITION		
POINT	STATION	OFFSET
T2153	1409+58.07	123.00'
T2243	1396+27.52	97.00'
T2244	1397+12.00	96.00'
T2245	1401+00.00	82.00'
T2246	1402+35.00	67.00'
T2247	1404+47.00	70.00'
T2248	1405+52.00	63.00'
T2249	1406+95.00	79.00'
T2250	1408+16.00	77.00'

R.O.W. STATIONS/OFFSETS
ARE PERPENDICULAR
TO PROJECT ϕ

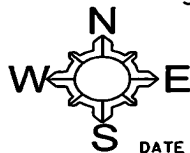
SE 1/4 NE 1/4
SECTION 18, T90N, R5W

COURSE	BEARING	DISTANCE
A	S 89° 23' 53" W	64.07'
B	S 89° 23' 53" W	36.13'
C	N 02° 54' 56" E	84.48'
D	N 04° 18' 14" E	388.25'
E	N 08° 34' 39" E	135.83'
F	N 01° 25' 36" E	212.02'
G	N 06° 03' 05" E	105.23'
H	N 04° 08' 49" W	143.89'
I	N 03° 11' 03" E	121.02'
J	N 15° 42' 12" W	149.34'
K	N 89° 40' 51" E	62.18'
L	S 02° 14' 20" W	1331.54'

IA. 13 CENTERLINE DATA FOR PROJECT NO. NHSN-013-2(43)--2R-28		
COURSE	BEARING	DISTANCE
POT 1369+73.96		
TO	N 02° 14' 14" E	5350.61'
P.C. 1423+24.57		

LEGEND

- SECTION LINE AND OR 1/4 SECTION LINE
- P.O.B. POINT OF BEGINNING
- R.O.W. LINE
- R.O.W. RAIL
- () RECORDED AS
- PERMANENT EASEMENT
- 1" = 200'

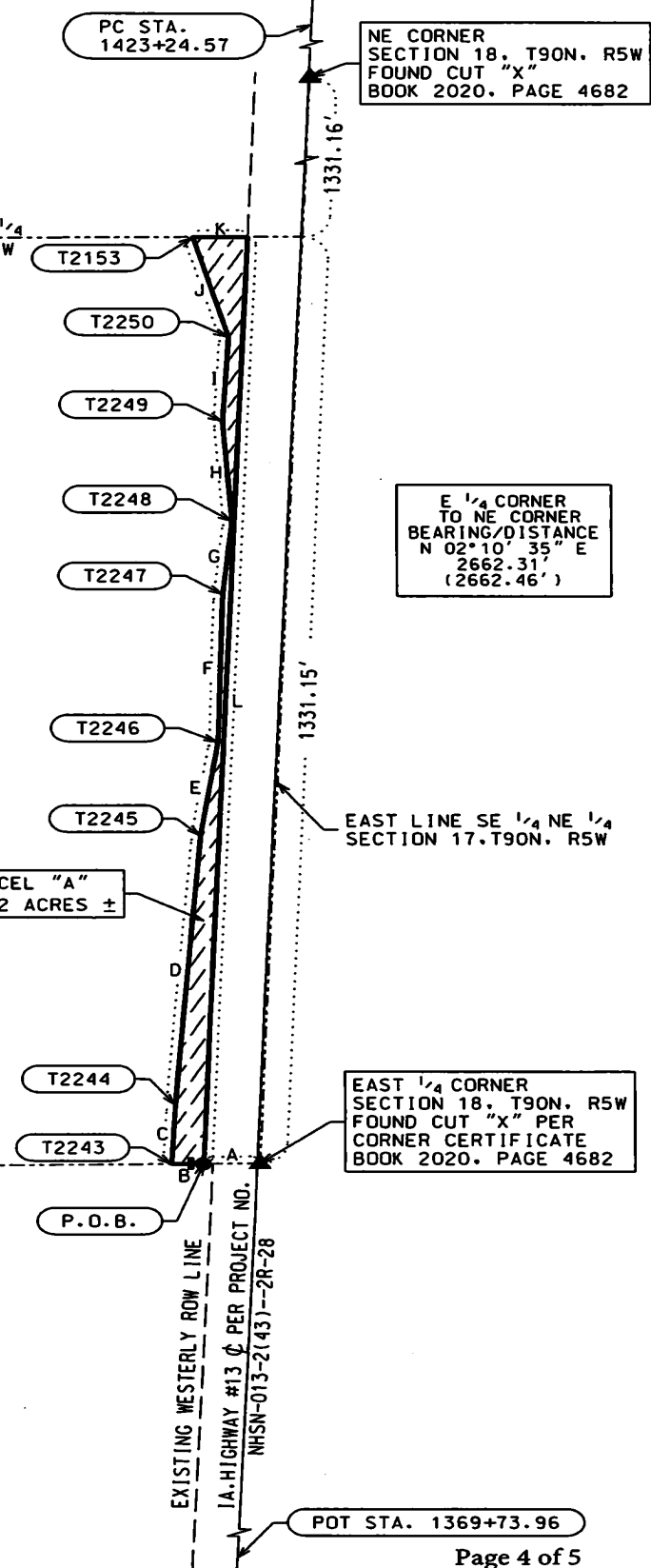


DATE DRAWN: 6/20/2022 DCF



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

Brad J. Burger 8/12/2022
 Brad J. Burger Date
 License number 20281
 My license renewal date is December 31, 2022
 Pages or Sheets covered by this seal: Sheet 1 of 1



NE CORNER
SECTION 18, T90N, R5W
FOUND CUT "X"
BOOK 2020, PAGE 4682

E 1/4 CORNER
TO NE CORNER
BEARING/DISTANCE
N 02° 10' 35" E
2662.31'
(2662.46')

EAST LINE SE 1/4 NE 1/4
SECTION 17, T90N, R5W

EAST 1/4 CORNER
SECTION 18, T90N, R5W
FOUND CUT "X" PER
CORNER CERTIFICATE
BOOK 2020, PAGE 4682

POT STA. 1369+73.96

Iowa Department of Transportation

ACQUISITION PLAT
EXHIBIT "A-2 OF 2"



COUNTY DELAWARE STATE CONTROL NO. _____
 ROW PROJECT NO. NHSN-013-2(43)--2R-28 PARCEL NO. 45
 SECTION 19 TOWNSHIP 90 NORTH RANGE 5 WEST
 ROW-FEE _____ AC ±, EASE 0.98 AC ±, EXCESS-FEE _____ AC ±
 ACQUIRED FROM ROSE ANN KELCHEN REVOCABLE TRUST UNDER AGREEMENT DATED SEPTEMBER 4, 2008

PARCEL 45 ACREAGE SUMMARY TABLE SECTION 19, T90N, R5W	
LOCATION	NEW R.O.W.
SE 1/4 NE 1/4	0.98 AC. ±

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

P.I. STA. 1367+77.12

NE CORNER SE 1/4 NE 1/4
SECTION 19, T90N, R5W
FOUND CUT "X" PER
CORNER CERTIFICATE
BOOK 2020, PAGE 4684

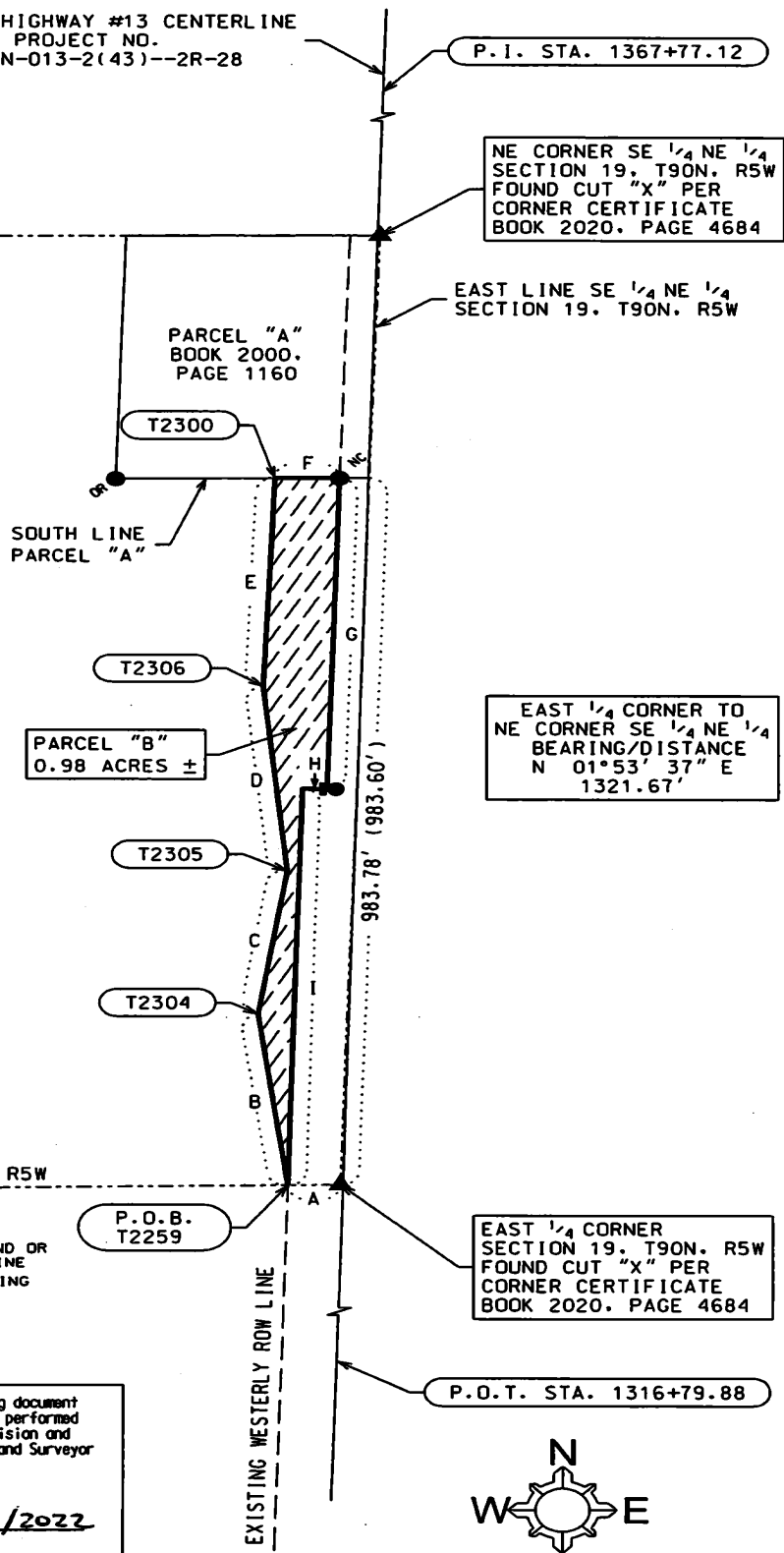
SE 1/4 NE 1/4
SECTION 19, T90N, R5W

STATION/OFFSET NEW R.O.W. ACQUISITION		
POINT	STATION	OFFSET
T2259	1343+29.21	60.56'
T2300	1353+11.68	103.00'
T2304	1345+66.00	100.00'
T2305	1347+66.00	74.00'
T2306	1350+22.00	108.00'

R.O.W. STATIONS/OFFSETS
ARE PERPENDICULAR
TO PROJECT C

COURSE	BEARING	DISTANCE
A	S 89° 20' 36" W	57.80'
B	N 07° 47' 44" W	240.06'
C	N 09° 04' 08" E	201.68'
D	N 05° 54' 12" W	258.25'
E	N 02° 39' 03" E	289.73'
F	N 89° 39' 50" E	71.22'
G	S 01° 53' 37" W	433.10'
H	N 88° 06' 23" W	27.07'
I	S 01° 39' 08" W	551.97'

IA. 13 CENTERLINE DATA FOR PROJECT NO. NHSN-013-2(43)--2R-28		
COURSE	BEARING	DISTANCE
STA 1316+79.88		
TO	N 01° 39' 43" E	5097.24'
STA 1367+77.12		



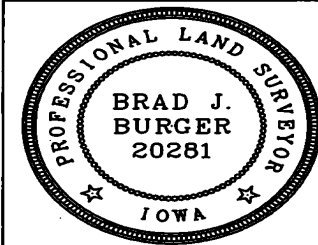
EAST 1/4 CORNER TO
NE CORNER SE 1/4 NE 1/4
BEARING/DISTANCE
N 01° 53' 37" E
1321.67'

EAST 1/4 CORNER
SECTION 19, T90N, R5W
FOUND CUT "X" PER
CORNER CERTIFICATE
BOOK 2020, PAGE 4684

SOUTH LINE SE 1/4 NE 1/4 SECTION 19, T90N, R5W

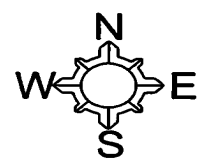
LEGEND

- R.O.W. LINE
- SECTION LINE AND OR 1/4 SECTION LINE
- FOUND 1/2" REBAR W/ORANGE CAP STAMPED "10165"
- P.O.B. POINT OF BEGINNING
- FOUND 1/2" REBAR W/NO CAP
- () RECORDED AS
- ▨ PERMANENT EASEMENT
- ROW RAIL



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

Brad J. Burger 8/12/2022
 Brad J. Burger Date
 License number 20281
 My license renewal date is December 31, 2022
 Pages or Sheets covered by this seal: Sheet 1 of 1



1" = 200'