

Recorded: 8/21/2023 at 2:39:44.0 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: 1985



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 NINETEEN THOUSAND FOUR HUNDRED SEVENTY AND NO/100—(\$ 19,470.00)—DOLLARS and other valuable consideration in hand paid by Iowa Department of Transportation, **DONALD E. KEPPLER AND CATHERINE A. KEPPLER, Trustees of the DONALD E. AND CATHERINE A. KEPPLER LIVING TRUST** do 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 Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section Nineteen (19), Township Ninety North (T90N), Range Five West (R5W) of the Fifth (5<sup>th</sup>) 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 Southeast corner of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section Nineteen (19), Township Ninety North (T90N), Range Five West (R5W) of the Fifth (5<sup>th</sup>) P. M., Delaware County, Iowa; thence South 89° 46' 13" West 63.36 feet along the South line of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of said Section Nineteen (19) 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 Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) South 89° 46' 13" West 14.23 feet; thence North 18° 50' 04" West 119.95 feet; thence North 08° 11' 43" East 360.34 feet; thence North 05° 39' 36" West 180.47 feet; thence North 10° 46' 09" East 132.67 feet; thence North 18° 20' 16" East 59.50 feet to the said existing Westerly right of way line; thence South 01° 39' 07" West 836.89 feet along said existing Westerly right of way line to the Point of Beginning, containing 0.59 acres more or less.

#### AND

#### Parcel B

A parcel of land located in the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section Nineteen (19), Township Ninety North (T90N), Range Five West (R5W) of the Fifth (5<sup>th</sup>) 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 Northeast corner of Section Nineteen (19), Township Ninety North (T90N), Range Five West (R5W) of the Fifth (5<sup>th</sup>) P. M., Delaware County, Iowa; thence South 01° 53' 37" West 307.73 feet along the East line of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of said Section Nineteen (19); thence North 88° 06' 23" West 67.61 feet to the existing Westerly right of way line of Iowa Highway 13 and the Point of Beginning; thence North 19° 42' 35" West 19.33 feet; thence North 02° 42' 21" West 115.11 feet; thence North 06° 45' 14" East 139.69 feet to the existing Southerly right of way line of 130<sup>th</sup> Steet; thence North 89° 39' 48" East 3.37 feet along said existing Southerly right of way line to said

existing Westerly right of way line of Iowa Highway 13; thence South 01° 39' 07" West 272.03 feet along said existing Westerly right of way line to the Point of Beginning, containing 0.06 acres more or less.

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

**AND  
Parcel C**

A parcel of land located in the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) of Section Twenty (20), Township Ninety North (T90N), Range Five West (R5W), of the Fifth (5<sup>th</sup>) 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 Southwest corner of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) of Section Twenty (20), Township Ninety North (T90N), Range Five West (R5W), of the Fifth (5<sup>th</sup>) P. M., Delaware County, Iowa; thence North 87° 27' 39" East 56.83 feet along the South line of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) of said Section Twenty (20) to the existing Easterly right of way line of Iowa Highway 13 and the Point of Beginning; thence North 01° 39' 07" East 576.21 feet along said existing Easterly right of way line; thence continuing along said existing Easterly right of way line North 89° 57' 37" West 21.24 feet; thence continuing along said existing Easterly right of way line North 01° 53' 37" East 267.03 feet; thence South 25° 56' 45" East 25.96 feet; thence South 01° 40' 58" East 154.26 feet; thence South 36° 20' 13" East 40.61 feet; thence South 06° 57' 07" West 162.69 feet; thence South 06° 07' 26" East 376.47 feet; thence South 01° 23' 30" East 93.86 feet to the South line of said Northwest Quarter (NW¼) of the Northwest Quarter (NW¼); thence South 87° 27' 39" West 66.96 feet along the South line of said Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) to the Point of Beginning, containing 0.64 acres more or less.

**Note:** The West line of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) of Section Twenty (20), Township Ninety North (T90N), Range Five West (R5W), of the Fifth (5<sup>th</sup>) P. M., Delaware County, Iowa is assumed to bear North 01° 53' 37" East.

This easement and a certain Easement to Delaware County, Iowa, executed by the above named grantor are 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 1758, as Document No. \_\_\_\_\_, except for those terms that survive the execution of this document.

The additional amount of \$ 14,265.00, 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 6-21-\_\_\_\_\_, 2023  
and 6-22-2023

**DONALD E. AND CATHERINE A. KEPPLER LIVING TRUST**

By Donald E. Keppler (Sign in Ink)  
DONALD E. KEPPLER, Trustee  
(June 21, 2023)

By Catherine A. Keppler (Sign in Ink)  
CATHERINE A. KEPPLER, Trustee  
(June 22, 2023)

STATE OF Iowa \_\_\_\_\_, COUNTY OF Delaware \_\_\_\_\_, ss:

This instrument was acknowledged before me on June 21<sup>st</sup> and June 22<sup>nd</sup>, 2023, by Donald E. Keppler and Catherine A. Keppler 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. 48  
 SECTION 19 TOWNSHIP 90 NORTH RANGE 5 WEST  
 ROW-FEE \_\_\_\_\_ AC ±, EASE 0.65 AC ±, EXCESS-FEE \_\_\_\_\_ AC ±  
 ACQUIRED FROM Donald E. and Catherine A. Keppler Living Trust

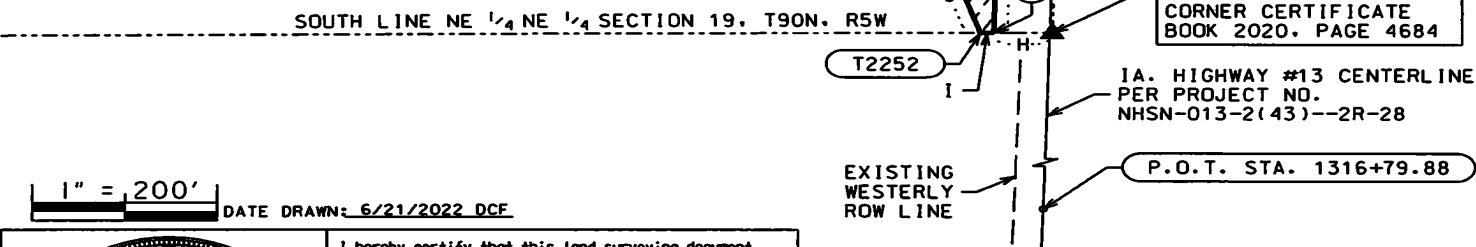
LOCATION	NEW R.O.W.
NE 1/4 NE 1/4	0.65 AC. ±
TOTAL	0.65 AC. ±

POINT	STATION	OFFSET
T2252	1356+50.64	75.00'
T2273	1357+63.00	117.00'
T2281	1361+21.00	76.00'
T2282	1363+00.00	99.00'
T2283	1364+31.00	78.00'
T2286	1366+86.00	68.00'
T2287	1368+00.00	77.00'
T2288	1369+39.26	66.00'
T2290	1364+88.00	60.93'
T2296	1366+68.00	60.96'

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

COURSE	BEARING	DISTANCE
A	S 01° 53' 37" W	307.73'
B	N 88° 06' 23" W	67.61'
C	N 19° 42' 35" W	19.33'
D	N 02° 42' 21" W	115.11'
E	N 06° 45' 14" E	139.69'
F	N 89° 39' 48" E	3.37'
G	S 01° 39' 07" W	272.03'
H	S 89° 46' 13" W	63.36'
I	S 89° 46' 13" W	14.23'
J	N 18° 50' 04" W	119.95'
K	N 08° 11' 43" E	360.34'
L	N 05° 39' 36" W	180.47'
M	N 10° 46' 09" E	132.67'
N	N 18° 20' 16" E	59.50'
O	S 01° 39' 07" W	836.89'

COURSE	BEARING	DISTANCE
STA 1316+79.88 TO	N 01° 39' 43" E	5097.24'
STA 1367+77.12 TO	N 02° 14' 14" E	196.85'



NORTHEAST CORNER  
SECTION 19, T90N, R5W  
FOUND CUT "X" PER  
CORNER CERTIFICATE  
BOOK 2020, PAGE 4684

P.I. STA. 1367+77.12

SE CORNER NE 1/4 NE 1/4  
TO NE CORNER  
BEARING/DISTANCE  
N 01°53' 37" E  
1322.26'

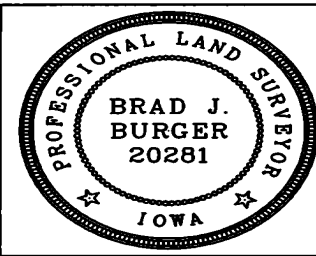
SE CORNER NE 1/4 NE 1/4  
SECTION 19, T90N, R5W  
FOUND CUT "X" PER  
CORNER CERTIFICATE  
BOOK 2020, PAGE 4684

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

P.O.T. STA. 1316+79.88

1" = 200'

DATE DRAWN: 6/21/2022 DCF

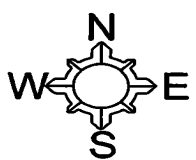


I hereby certify that this land surveying document was prepared and related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Iowa.

*Brad J. Burger* 8/11/2022  
 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

LEGEND

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



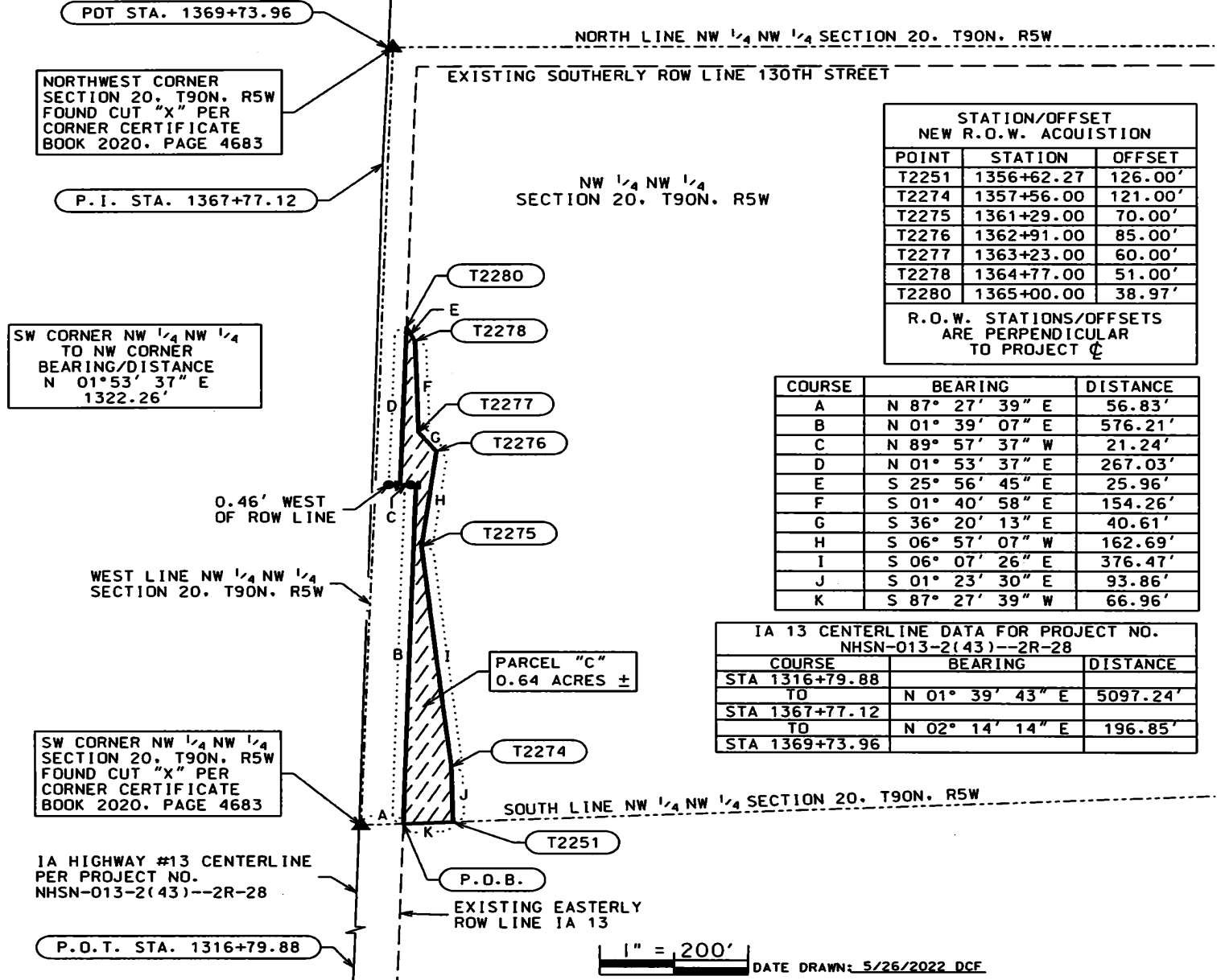
Iowa Department of Transportation

ACQUISITION PLAT  
EXHIBIT "A-2 OF 2"



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 ROW PROJECT NO. NHSN-013-2(43)--2R-28 PARCEL NO. 48  
 SECTION 20 TOWNSHIP 90 NORTH RANGE 5 WEST  
 ROW-FEE \_\_\_\_\_ AC ±, EASE 0.64 AC ±, EXCESS-FEE \_\_\_\_\_ AC ±  
 ACQUIRED FROM Donald E. and Catherine A. Keppler Living Trust

LOCATION	NEW R.O.W.
NW 1/4 NW 1/4	0.64 AC. ±
TOTAL	0.64 AC. ±



POINT	STATION	OFFSET
T2251	1356+62.27	126.00'
T2274	1357+56.00	121.00'
T2275	1361+29.00	70.00'
T2276	1362+91.00	85.00'
T2277	1363+23.00	60.00'
T2278	1364+77.00	51.00'
T2280	1365+00.00	38.97'

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

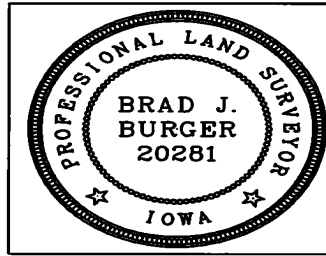
COURSE	BEARING	DISTANCE
A	N 87° 27' 39" E	56.83'
B	N 01° 39' 07" E	576.21'
C	N 89° 57' 37" W	21.24'
D	N 01° 53' 37" E	267.03'
E	S 25° 56' 45" E	25.96'
F	S 01° 40' 58" E	154.26'
G	S 36° 20' 13" E	40.61'
H	S 06° 57' 07" W	162.69'
I	S 06° 07' 26" E	376.47'
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COURSE	BEARING	DISTANCE
STA 1316+79.88 TO	N 01° 39' 43" E	5097.24'
STA 1367+77.12 TO	N 02° 14' 14" E	196.85'

**LEGEND**

- R.O.W. LINE
- FOUND ROW RAIL
- - - SECTION LINE AND OR 1/4 1/4 SECTION LINE
- ( ) RECORDED AS
- P.O.B. POINT OF BEGINNING
- ▨ PERMANENT EASEMENT

1" = 200'  
DATE DRAWN: 5/26/2022 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* 8/11/2022  
 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