

Recorded: 8/21/2023 at 2:39:45.0 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: 1986



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 (Delaware County Engineer/Secondary Roads Office,
2139 Highway 38 Manchester, IA 52057)

TRUSTEE EASEMENT FOR PUBLIC HIGHWAY (Inter Vivos Trust)

For the consideration of TWO THOUSAND TWO HUNDRED TEN AND NO/100—(\$ 2,210.00)—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 **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:

Parcel D

A parcel of land located in the Northeast Quarter (NE¼) 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-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 (5th) P. M., Delaware County, Iowa; thence South 89° 39' 48" West 122.16 feet along the North line of the Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of said Section Nineteen (19); thence South 00° 20' 12" East 33.00 feet to the existing Southerly right of way line of 130th Street and the Point of Beginning; thence North 89° 39' 48" East 48.70 feet along said existing Southerly right of way line; thence South 06° 45' 14" West 9.86 feet; thence North 78° 41' 30" West 48.49 feet to the Point of Beginning, containing 0.01 acres more or less.

Note: The North 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 (5th) P. M., Delaware County, Iowa is assumed to bear South 89° 39' 48" West.

AND

Parcel E

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 (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 Northwest corner of Section Twenty (20), Township Ninety North (T90N), Range Five West (R5W), of the Fifth (5th) P. M., Delaware County, Iowa; thence North 89° 57' 49" East 166.63 feet along the North line of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) of said Section Twenty (20); thence South 00° 02' 12" East 33.00 feet to the existing Southerly right of way line of 130th Street and the Point of Beginning; thence South 60° 04' 28" West 158.46 feet to the existing Easterly right of way line of Iowa Highway 13; thence North 01° 53' 37" East 79.01 feet along said existing Easterly right of way line to said existing Southerly right of way line of 130th Street; thence North 89° 57' 49" East 134.72 feet along said existing Southerly right of way line to the Point of Beginning, containing 0.12 acres more or less.

Note: The North 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 (5th) P. M., Delaware County, Iowa is assumed to bear North 89° 57' 49" East.

This easement and a certain Easement to the State of 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.

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 21st and June 22nd, 2023, by Donald E. Keppler and Catherine A. Keppler as Trustee of the above-entitled trust.



[Signature] (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 *0.01 AC ±, EXCESS-FEE _____ AC ±
 ACQUIRED FROM Donald E. and Catherine A. Keppler Living Trust

PARCEL 48 ACREAGE SUMMARY TABLE SECTION 19, T90N, R5W	
LOCATION	*NEW R.O.W.
NE 1/4 NE 1/4	0.01 AC. ±
TOTAL	0.01 AC. ±
*ACQUIRED IN THE NAME OF DELAWARE COUNTY	

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

CENTERLINE 130TH STREET
PER PROJECT NO.
NHSN-013-2(43)--2R-28

EAST LINE NE 1/4 NE 1/4 SECTION 19, T90N, R5W

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

EXISTING WESTERLY ROW LINE IA 13

130TH STREET CENTERLINE DATA FOR PROJECT NO. NHSN-013-2(43)--2R-28		
COURSE	BEARING	DISTANCE
STA 11367+06.96 TO STA 11369+73.96	S 89° 54' 52" E	267.00'

STA. 11367+06.96

130TH ST STA. 11369+73.96
= IA 13 POT STA. 1369+73.96

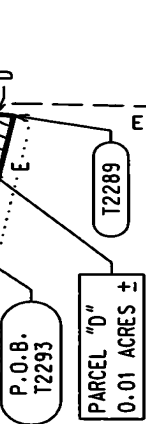
DIMENSION
LINE ONLY

EXISTING SOUTHERLY ROW LINE 130TH STREET

NORTH LINE NE 1/4 NE 1/4 SECTION 19, T90N, R5W

NE CORNER TO
N 1/4 CORNER
BEARING/DISTANCE
S 89° 39' 48" W
2652.88'

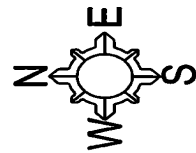
NORTH 1/4 CORNER
SECTION 19, T90N, R5W
FOUND IA DOT ALUMINUM
MONUMENT PER
CORNER CERTIFICATE
BOOK 2020, PAGE 4684



COURSE	BEARING	DISTANCE
A	S 89° 39' 48" W	122.16'
B	S 00° 20' 12" E	33.00'
C	N 89° 39' 48" E	48.70'
D	S 06° 45' 14" W	9.86'
E	N 78° 41' 30" W	48.49'

STATION/OFFSET NEW R.O.W. ACQUISITION		
POINT	STATION	OFFSET
T2288	11369+06.70	32.20'
T2289	11369+05.56	42.00'
T2293	11368+58.00	32.56'
R.O.W. STATIONS/OFFSETS ARE PERPENDICULAR TO PROJECT ☐		

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



DATE DRAWN: 6/21/2022 DCE

1" = 50'

LEGEND

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

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 sheet: Sheet 1 of 1

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. 48
 SECTION 20 TOWNSHIP 90 NORTH RANGE 5 WEST
 ROW-FEE _____ AC ±, EASE *0.12 AC ±, EXCESS-FEE _____ AC ±
 ACQUIRED FROM Donald E. and Catherine A. Keppler Living Trust

PARCEL 48 ACREAGE SUMMARY TABLE SECTION 20, T90N, R5W	
LOCATION	*NEW R.O.W.
NW 1/4 NW 1/4	0.12 AC. ±
TOTAL	0.12 AC. ±
*ACQUIRED IN THE NAME OF DELAWARE COUNTY	

NORTH 1/4 CORNER
SECTION 20, T90N, R5W
FOUND 1/2" REBAR W/ORANGE
CAP STAMPED "20281" PER
CORNER CERTIFICATE
BOOK 2020, PAGE 4683

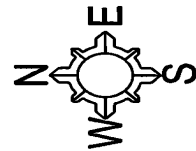
NORTH LINE NW 1/4 NW 1/4
SECTION 20, T90N, R5W

EXISTING SOUTHERLY ROW LINE 130TH STREET

STATION/OFFSET NEW R.O.W. ACQUISITION	POINT	STATION	OFFSET
	T2294	11371+49.00	33.67'
	T2295	11370+11.83	113.00'

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

130TH STREET CENTERLINE DATA FOR PROJECT NO. NHSN-013-2(43)--2R-28		
COURSE	BEARING	DISTANCE
STA. 11369+76.42		
TO	S 89°53'06" E	245.52'
STA. 11372+21.94		



DATE DRAWN: 6/22/2022 DCE

1" = 50'

NW CORNER TO N 1/4 CORNER
BEARING/DISTANCE
N 89°57'49" E, 2634.88'

STA. 11372+21.94

DIMENSION
LINE ONLY

P.O.B.
T2294

PARCEL "E"
0.12 ACRES ±

NW 1/4 NW 1/4
SECTION 20, T90N, R5W

COURSE	BEARING	DISTANCE
A	N 89°57'49" E	166.63'
B	S 00°02'12" E	33.00'
C	S 60°04'28" W	158.46'
D	N 01°53'37" E	79.01'
E	N 89°57'49" E	134.72'

LEGEND

- FOUND 1/2" REBAR W/ORANGE CAP STAMPED "20281"
- R.O.W. LINE
- - - SECTION LINE AND OR 1/4 SECTION LINE
- () RECORDED AS
- P.O.B. POINT OF BEGINNING
- ▨ PERMANENT EASEMENT

NORTHWEST CORNER
SECTION 20, T90N, R5W
FOUND CUT "X" PER
CORNER CERTIFICATE
BOOK 2020, PAGE 4683

ϕ 130TH STREET PER PROJECT NO.
NHSN-013-2(43)--2R-28

A

B

C

D

E

EXISTING EASTERLY ROW LINE IA 13

WEST LINE NW 1/4 NW 1/4 SECTION 20, T90N, R5W

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

130TH ST. STA. 11369+76.42
= ϕ IA 13 POT STA. 1369+76.42

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 Date 8/11/2022
 Brad J. Burger
 License number 20281
 My license renewal date is December 31, 2022
 Pages or Sheets covered by this sheet: 1 of 1

