

Recorded: 9/6/2023 at 10:23:34.0 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: 2173



Prepared by & Return To: Maura M. Miller, Right of Way Bureau, 800 Lincoln Way, Ames, IA 50010, 515-239-1029  
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-THREE THOUSAND ONE HUNDRED THIRTY AND NO/100----(\$23,130.00)----DOLLARS and other valuable consideration in hand paid by Iowa Department of Transportation, **SUSAN K. BROGHAMMER AND ELLEN L. BROESDER, Successor Co-Trustees of the TRUST AGREEMENT OF ANTHONY BROGHAMMER dated JANUARY 6, 2012**, 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:**

A parcel of land located in Parcel I in the SW $\frac{1}{4}$  of the NW $\frac{1}{4}$  and the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$ , all in Section 8, Township 89 North, Range 5 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 Southeast corner of the SW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 8, Township 89 North, Range 5 West of the 5<sup>th</sup> P.M., Delaware County, Iowa; thence South 02°17'51" West 461.39 feet along the East line of the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of said Section 8, also being the East line of Parcel I as recorded in Book 2012, Page 4420 in the Office of the Delaware County Recorder to the Southeast corner of said Parcel I; thence South 88°46'21" West 44.70 feet along the South line of said Parcel I 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 Parcel I South 88°46'21" West 38.85 feet; thence North 03°21'34" West 52.12 feet; thence North 04°27'47" East 519.42 feet; thence North 00°21'50" East 450.22 feet; thence North 10°03'06" East 166.32 feet; thence North 13°29'38" West 442.21 feet to the North line of said Parcel I; thence North 89°28'38" East 32.49 feet along the North line of said Parcel I to said existing Westerly right of way line; thence along said existing Westerly right of way line and along a circular curve concave Westerly for an arc length of 531.75 feet, said circular curve having a central angle of 22°02'50", a radius of 1381.90 feet, a chord bearing of South 08°51'52" East and a chord length of 528.47 feet; thence continuing along said existing Westerly right of way line South 02°09'33" West 1091.94 feet to the Point of Beginning, containing 1.18 acres more or less.

Note: The East line of the NW¼ of the SW¼ of Section 8, Township 89 North, Range 5 West, of the 5<sup>th</sup> P.M., Delaware County, Iowa is assumed to bear South 02°17'51" West.

This easement is given in fulfillment of a certain Purchase Agreement dated August 21, 2023, and recorded in the Delaware County Recorder's Office on August 22, 2023, at Book 2023, Page 2010, except for those terms that survive the execution of this document.

The additional amount of \$ 4,409.00, 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 July 12, 2023

TRUST AGREEMENT OF ANTHONY  
BROGHAMMER dated JANUARY 6, 2012

By Susan Broghammer Co-Trustee (Sign in Ink)  
Susan K. Broghammer, Successor Co-Trustee

STATE OF Iowa, COUNTY OF Delaware, ss:

This instrument was acknowledged before me on July 12, 2023  
by Susan K. Broghammer as Successor Co-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.

Dated June 26, 2023

TRUST AGREEMENT OF ANTHONY  
BROGHAMMER dated JANUARY 6, 2012

By Ellen L. Broesder (Sign in Ink)  
Ellen L. Broesder, Successor Co-Trustee

STATE OF Iowa, COUNTY OF Kossuth, ss:

This instrument was acknowledged before me on June 26, 2023,  
by Ellen L. Broesder as Successor Co-Trustee of the above-entitled trust.



Kathryn S. Blocker (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

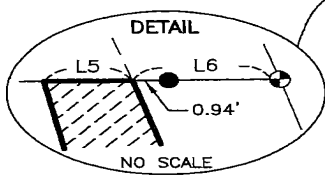
## ACQUISITION PLAT EXHIBIT "A"



COUNTY DELAWARE STATE CONTROL NO. \_\_\_\_\_  
 ROW PROJECT NO. NHSN-013-2(43)--2R-28 PARCEL NO. 19  
 SECTION 8 TOWNSHIP 89 NORTH RANGE 5 WEST  
 ROW-FEE \_\_\_\_\_ AC, EASE 1.18 +/- AC EXCESS-FEE \_\_\_\_\_ AC  
 ACCESS RIGHTS ACQUIRED - STA \_\_\_\_\_ STA \_\_\_\_\_ MAIN LINE \_\_\_\_\_ SIDE  
 ACCESS RIGHTS ACQUIRED - STA \_\_\_\_\_ STA \_\_\_\_\_ SIDE ROAD \_\_\_\_\_ SIDE  
 ACQUIRED FROM \_\_\_\_\_

### LEGEND

- FD. 1/2" IRON ROD W/ RED CAP #7060
- FD. CUT X IN CONCRETE
- FD. R.O.W. RAIL
- CENTERLINE
- R.O.W. LINE
- SECTION LINE AND OR 1/4 OR 1/4 1/4 SECTION LINE
- PERMANENT EASEMENT
- ( ) RECORDED AS POINT OF BEGINNING



C CURVE DATA:	
PC:	1132+72.27
PT:	1142+84.89
L:	1012.62'
R:	1432.50'
Δ:	40°30'06"
CH BRG:	N 18°06'18" W
CH:	991.67'

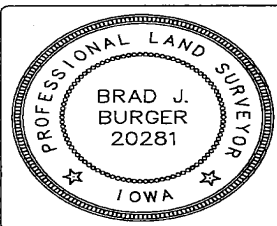
PARCEL 1 IN THE SW1/4 NW1/4 AND THE NW1/4 SW1/4 ALL IN SEC. 8, T89N, R5W BOOK 2012, PAGE 4420

ACREAGE SUMMARY TABLE		
PARCEL	NW1/4 SW1/4 SEC. 8, T89N, R5W	SW1/4 NW1/4 SEC. 8, T89N, R5W
19	0.38 +/-	0.80 +/-

LINE	BEARING	DISTANCE
L1	S 88°46'21" W	44.70'
L2	S 88°46'21" W	38.85'
L3	N 03°21'34" W	52.12'
L4	N 10°03'06" E	166.32'
L5	N 89°28'38" E	32.49'
L6	N 89°28'38" E	53.82'

S 88°46'21" W 1334.30'  
(S 88°34'49" W 1334.40')

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	531.75'	1381.90'	22°02'50"	S 08°51'52" E	528.47'



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* 7/29/2022  
 BRAD J. BURGER LICENSE NO. 20281 DATE  
 My license renewal date is December 31, 2022.  
 Pages or sheets covered by this seal: 1334.40' This page only

