

Recorded: 9/12/2023 at 9:28:08.0 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: 2231



Prepared by & Return To: Allyssa Myers, Right of Way Bureau, 800 Lincoln Way, Ames, IA 50010, 515-239-1757
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 EIGHT THOUSAND ONE HUNDRED AND NO/100----(\$8,100.00)-
----DOLLARS and other valuable consideration in hand paid by Iowa Department of
Transportation, **DANIEL A. SCHULTE, Trustee of the DANIEL A. SCHULTE TRUST
AGREEMENT, executed March 22, 2011 AND ANN L. SCHULTE, Trustee of the ANN L.
SCHULTE TRUST AGREEMENT, executed march 22, 2011**, 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 Lot 1 and Lot 25 of Fawn Trail, a subdivision of
Parcel C in the Northwest Quarter (NW1/4) of the Southwest Quarter
(SW1/4) of Section Seventeen (17), and Parcel G in the Northeast Quarter
(NE1/4) of the Southeast Quarter (SE1/4) of Section Eighteen (18), all in
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 "A", attached hereto and by reference made a part hereof and more
particularly described as follows:

Commencing at the Northeast corner of the Northwest Quarter (NW1/4) of
the Southwest Quarter (SW1/4) of Section Seventeen (17), Township Eighty-
nine North (T89N), Range Five West (R5W) of the Fifth (5th) Principal
Meridian, Delaware County, Iowa; thence South 88° 17' 40" West 59.73 feet
along the North line of the Northwest Quarter (NW1/4) of the Southwest
Quarter (SW1/4) of said Section Seventeen (17) and the North line of Lot 25
of Fawn Trail, a subdivision of Parcel C in the Northwest Quarter (NW1/4) of
the Southwest Quarter (SW1/4) of Section Seventeen (17), and Parcel G in
the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of Section
Eighteen (18), all in Township Eighty-nine North (T89N), Range Five West
(R5W) of the Fifth (5th) Principal Meridian, Delaware County, Iowa as
recorded in the Book 2005, Page 1694 in the Office of the Delaware County
Recorder to the Point of Beginning; thence South 01° 55' 53" East 478.50
feet along the existing Westerly right of way line of Iowa Highway 13 to the
South line of Lot 1 of said Fawn Trail; thence South 88° 17' 40" West 13.81
feet along the South line of said Lot 1; thence North 02° 31' 15" West 478.55
feet to the North line of said Lot 25, also being the North line of said
Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4); thence North
88° 17' 40" East 18.73 feet along the North line of said Lot 25 and the North

line of said Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) to the Point of Beginning, containing 0.18 acres more or less.

Note: The North line of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section Seventeen (17), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth (5th) Principal Meridian, Delaware County, Iowa is assumed to bear South 88° 17' 40" 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 23, 2023, at Book 2023, Page 2017, except for those terms that survive the execution of this document.

The additional amount of \$14,000.00, 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

DANIEL A. SCHULTE TRUST AGREEMENT

By *Daniel A. Schulte* (Sign in Ink)
Daniel A. Schulte, Trustee

STATE OF Iowa, COUNTY OF Delaware, ss:

This instrument was acknowledged before me on July 12, 2023
by Daniel A. Schulte 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.

Dated July 12, 2023

ANN L. SCHULTE TRUST AGREEMENT

By Ann L. Schulte Trustee (Sign in Ink)
Ann L. Schulte, Trustee

STATE OF Iowa, COUNTY OF Delaware, ss:

This instrument was acknowledged before me on July 12, 2023
by Ann L. Schulte as Trustee of the above-entitled trust.



[Signature] (Sign in Ink)
Notary Public.

(AFFIX NOTARIAL SEAL ABOVE ▲)

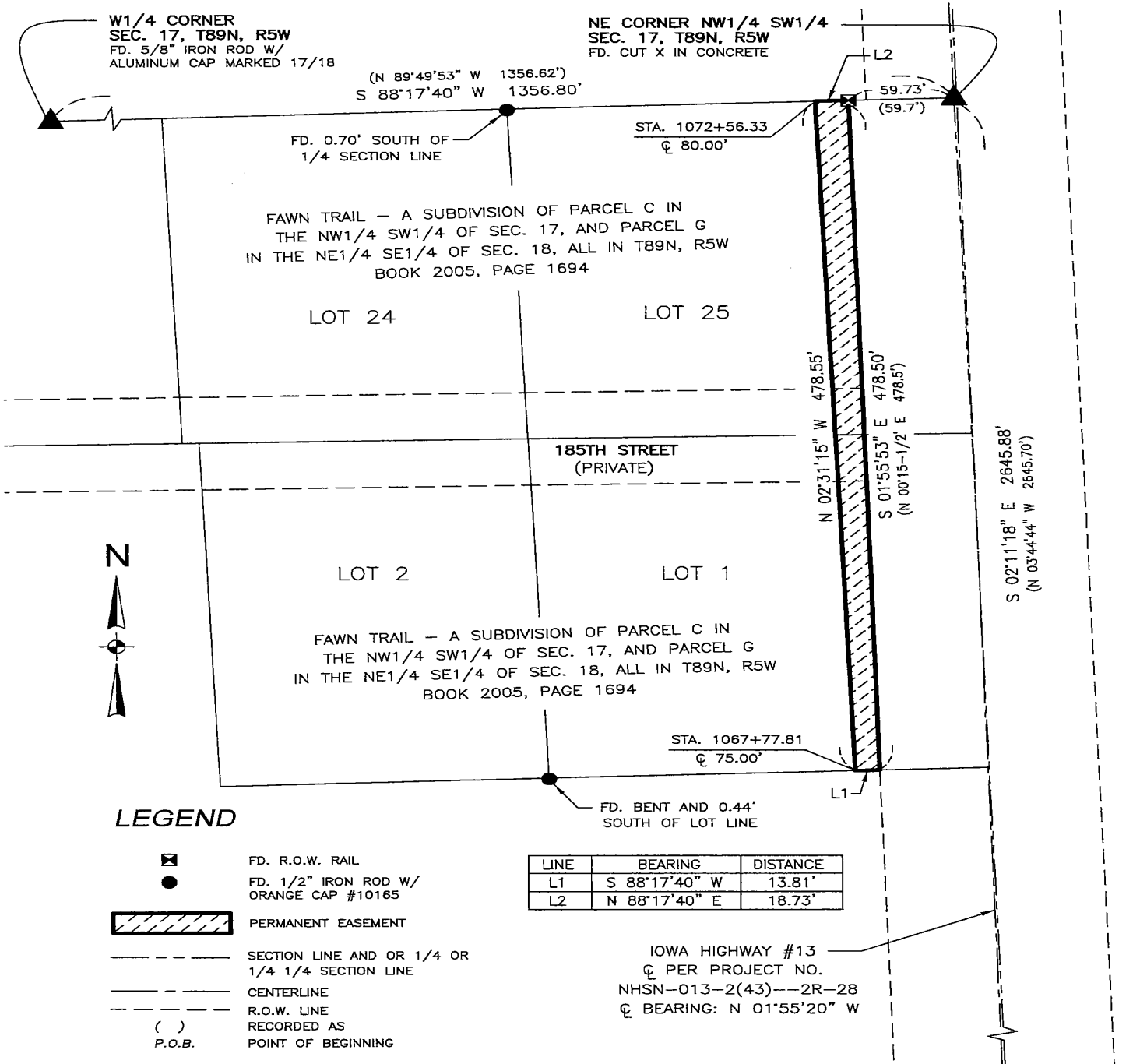
CAVEAT: The trustee/grantor should consult with their lawyer concerning the trustee's personal liability arising out of the warranties contained herein.

Iowa Department of Transportation

ACQUISITION PLAT EXHIBIT "A"



COUNTY DELAWARE STATE CONTROL NO. _____
 ROW PROJECT NO. NHSN-013-2(43)--2R-28 PARCEL NO. 12
 SECTION 17 TOWNSHIP 89 NORTH RANGE 5 WEST
 ROW-FEE _____ AC, EASE 0.18 +/- AC EXCESS-FEE _____ AC
 ACCESS RIGHTS ACQUIRED - STA _____ STA _____ MAIN LINE _____ SIDE
 ACCESS RIGHTS ACQUIRED - STA _____ STA _____ SIDE ROAD _____ SIDE
 ACQUIRED FROM _____



BRAD J. BURGER
20281
IOWA

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 7/27/2022
 BRAD J. BURGER LICENSE NO. 20281 DATE

My license renewal date is December 31, 2022.

Pages or sheets covered by this seal: This page only

