

Recorded: 9/19/2023 at 8:57:20.0 AM  
County Recording Fee: \$22.00  
Iowa E-Filing Fee: \$3.00  
Combined Fee: \$25.00  
Revenue Tax:  
Delaware County, Iowa  
Daneen Schindler RECORDER  
BK: 2023 PG: 2329



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)

## EASEMENT FOR PUBLIC HIGHWAY

For the consideration of FIFTEEN THOUSAND SEVEN HUNDRED FIFTY AND NO/100— (\$15,750.00)-----DOLLARS and other valuable consideration in hand paid by Iowa Department of Transportation, **D & C HOLTZ FARM, LLC**, a limited liability company organized and existing under the laws of the State of Iowa, 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 (SE1/4) of the Southeast Quarter (SE1/4) of Section Eighteen (18), Township Ninety North (T90N), Range Five West (R5W) of the Fifth (5<sup>th</sup>) Principal Meridian, Delaware County, Iowa, also being part of Parcel 2015-52 as recorded in Book 2015, Page 1404 in the office of the Delaware County Recorder, 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 Section Eighteen (18), Township Ninety North (T90N), Range Five West (R5W) of the Fifth (5<sup>th</sup>) Principal Meridian, Delaware County, Iowa; thence North 02° 10' 35" East 639.75 feet along the East line of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of said Section Eighteen (18) to the Easterly extension of the South line of Parcel A as recorded in Book 2005, Page 604 in the Office of the Delaware County Recorder; thence North 87° 35' 48" West 38.39 feet to the Southeast corner of said Parcel A, corner also being on the existing Westerly right of way line of Iowa Highway 13 and the Point of Beginning; thence South 02° 14' 03" West 65.15 feet along said existing Westerly right of way line; thence continuing along said existing Westerly right of way line South 17° 46' 43" West 103.80 feet; thence continuing along said existing Westerly right of way line South 02° 14' 20" West 444.69 feet to the existing Northerly right of way line of 130<sup>th</sup> Street; thence South 89° 39' 48" West 9.02 feet along said existing Northerly right of way line; thence North 01° 39' 02" West 162.23 feet; thence North 01° 51' 01" East 148.00 feet; thence North 03° 59' 59" West 184.09 feet; thence North 10° 28' 02" East 118.76 feet to the South line of said Parcel A; thence South 87° 35' 48" East 51.83 feet along the South line of said Parcel A to the Point of Beginning, containing 0.42 acres more or less.

**AND**

**Parcel B**

A parcel of land located in the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) and the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4), all in Section Eighteen (18), Township Ninety North (T90N), Range Five West (R5W) of the Fifth (5<sup>th</sup>) Principal Meridian, Delaware County, Iowa, also being part of Parcel 2015-51 as recorded in Book 2015, Page 1404 in the office of the Delaware County Recorder, 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 East Quarter (E1/4) Corner of Section Eighteen (18); Township Ninety North (T90N), Range Five West (R5W) of the Fifth (5<sup>th</sup>) Principal Meridian, Delaware County, Iowa; thence South 02° 10' 35" West 876.40 feet along the East line of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of said Section Eighteen (18) to the Easterly extension of the North line of Parcel 2015-51 as recorded in Book 2015, Page 1404 in the Office of the Delaware County Recorder; thence South 89° 40' 08" West 54.75 feet to the Northeast corner of said Parcel 2015-51, corner also being on the existing Westerly right of way line of Iowa Highway 13 and the Point of Beginning; thence South 02° 14' 22" West 726.38 feet along said existing Westerly right of way line to the North line of Parcel A as recorded in Book 2005, Page 604 in the Office of the Delaware County Recorder; thence North 25° 37' 10" West 56.27 feet; thence North 01° 29' 02" West 123.26 feet; thence North 08° 47' 51" East 201.32 feet; thence North 05° 17' 52" West 190.65 feet; thence North 00° 49' 48" East 162.87 feet to the North line of said Parcel 2015-51; thence North 89° 40' 08" East 40.36 feet along the North line of said Parcel 2015-51 to the Point of Beginning, containing 0.45 acres more or less.

**Note:** The East line of the Southeast Quarter (SE1/4) of Section Eighteen (18), Township Ninety North (T90N), Range Five West (R5W), of the Fifth (5<sup>th</sup>) Principal Meridian, Delaware County, Iowa is assumed to bear North 02° 10' 35" East.

This easement and a certain Easement for Public Highway to Delaware County, Iowa, executed by the above named grantor are given in fulfillment of a certain Purchase Agreement dated August 14, 2023 and recorded in the Delaware County Recorder's Office on August 21, 2023, at Book 2023, Page 1966, except for those terms that survive the execution of this document.

The additional amount of \$6,124.00, 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.

Grantor hereby states that the person(s) executing this instrument is duly authorized by the grantor and has the legal capacity to execute this instrument.

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

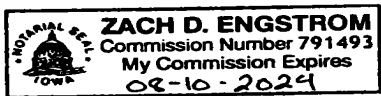
Dated 7-25, 2023

D & C HOLTZ FARM, LLC

By: Donald A. Holtz (Sign in Ink)  
Donald A. Holtz, Manager

STATE OF Iowa, COUNTY OF Delaware, ss:

This instrument was acknowledged before me on July 25, 2023, by Donald A. Holtz, as Manager of D & C Holtz Farm, LLC.



[Signature] (Sign in Ink)  
Notary Public.

(AFFIX NOTARIAL SEAL ABOVE ▲)

Iowa Department of Transportation

ACQUISITION PLAT  
EXHIBIT "A"



COUNTY DELAWARE STATE CONTROL NO. \_\_\_\_\_  
 ROW PROJECT NO. NHSN-013-2(43)--2R-28 PARCEL NO. 49  
 SECTION 18 TOWNSHIP 90 NORTH RANGE 5 WEST  
 ROW-FEE \_\_\_\_\_ AC ±, EASE 0.87 AC ±, EXCESS-FEE \_\_\_\_\_ AC ±  
 ACQUIRED FROM \_\_\_\_\_

PARCEL 49 ACREAGE SUMMARY TABLE SECTION 18, T90N, R5W		
PLAT OF SURVEY PARCEL	PART OF	NEW R.O.W.
PARCEL 2015-51	NE 1/4 SE 1/4	0.29 AC. ±
	SE 1/4 SE 1/4	0.16 AC. ±
PARCEL 2015-51 TOTAL		0.45 AC. ±
PARCEL 2015-52	SE 1/4 SE 1/4	0.42 AC. ±
	PARCEL 2015-52 TOTAL	
ACQUISITION TOTAL ACREAGE		0.87 AC. ±

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

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

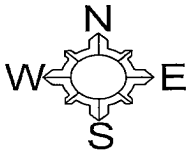
PARCEL 2015-51  
BEING PART OF THE SE 1/4  
SECTION 18, T90N, R5W  
BOOK 2015, PAGE 1404

COURSE	BEARING	DISTANCE
A	N 02° 10' 35" E	639.75'
B	N 87° 35' 48" W	38.39'
C	S 02° 14' 03" W	65.15'
D	S 17° 46' 43" W	103.80'
E	S 02° 14' 20" W	444.69'
F	S 89° 39' 48" W	9.02'
G	N 01° 39' 02" W	162.23'
H	N 01° 51' 01" E	148.00'
I	N 03° 59' 59" W	184.09'
J	N 10° 28' 02" E	118.76'
K	S 87° 35' 48" E	51.83'
L	S 02° 10' 35" W	876.40'
M	S 89° 40' 08" W	54.75'
N	S 02° 14' 22" W	726.38'
O	N 25° 37' 10" W	56.27'
P	N 01° 29' 02" W	123.26'
Q	N 08° 47' 51" E	201.32'
R	N 05° 17' 52" W	190.65'
S	N 00° 49' 48" E	162.87'
T	N 89° 40' 08" E	40.36'

STATION/OFFSET NEW R.O.W. ACQUISITION		
POINT	STATION	OFFSET
T2200	1380+27.25	50.71'
T2225	1370+05.14	70.00'
T2226	1371+67.00	81.00'
T2227	1373+15.00	82.00'
T2228	1374+98.00	102.00'
T2229	1376+15.54	85.00'
T2230	1380+77.00	77.00'
T2231	1382+00.00	85.00'
T2232	1384+00.00	62.00'
T2233	1385+89.00	87.00'
T2234	1387+51.82	91.00'

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

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



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

PARCEL 2015-52  
BEING PART OF THE SE 1/4  
SECTION 18, T90N, R5W  
IN BOOK 2015, PAGE 1404

LEGEND

- R.O.W. LINE
- SECTION LINE AND OR 1/4 1/4 SECTION LINE
- FOUND 1/2" REBAR W/ALUMINUM CAP STAMPED "10165"
- FOUND 1/2" REBAR W/ORANGE CAP STAMPED "10165"
- P.O.B. POINT OF BEGINNING
- ( ) RECORDED AS
- ▨ PERMANENT EASEMENT
- ROW RAIL

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

