

Recorded: 9/20/2023 at 3:15:14.0 PM  
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: 2360



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

For the consideration of Eleven Thousand Seven Hundred Sixty AND NO/100—(\$ 11,760.00)—DOLLARS and other valuable consideration in hand paid by Iowa Department of Transportation, **DENISE CHILD and JODY KERNS as Co-Trustees of the JOSEPH C. KINTZLE REVOCABLE 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:

A parcel of land located in the Southwest Quarter (SW $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of Section Five (5), 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", attached hereto and by reference made a part hereof and more particularly described as follows:

Commencing at the West Quarter (W  $\frac{1}{4}$ ) corner of Section Five (5), Township Ninety North (T90N), Range Five West (R5W) of the Fifth (5<sup>th</sup>) P. M., Delaware County, Iowa; thence North 82° 52' 09" East 60.20 feet along the South line of the Southwest Quarter (SW $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of said Section Five (5) to the existing Easterly right of way line of Iowa Highway 13 and the Point of Beginning; thence North 02° 49' 49" East 1143.61 feet along said existing Easterly right of way line; thence continuing along said existing Easterly right of way line North 14° 15' 04" East 101.94 feet; thence South 03° 53' 46" West 262.19 feet; thence South 02° 46' 14" East 102.49 feet; thence South 02° 26' 08" West 873.90 feet to the South line of said Southwest Quarter (SW $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ); thence South 82° 52' 09" West 31.81 feet along the South line of said Southwest Quarter (SW $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) to the Point of Beginning, containing 0.70 acres more or less.

**Note:** The West line of the Southwest Quarter (SW $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of Section Five (5), 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 02° 35' 31" East.

This easement is given in fulfillment of a certain Purchase Agreement dated August 21st, 2023, and recorded in the Delaware County Recorder's Office on August 22, 2023, at Book 2023, Page 2016, as Document No. \_\_\_\_\_, except for those terms that survive the execution of this document.

The additional amount of \$ 0.00, 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.

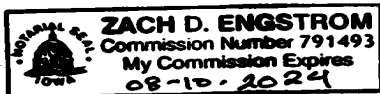
Dated 8-15-2023, 2023

JOSEPH C. KINTZLE REVOCABLE TRUST

By Denise Child (Sign in Ink)  
DENISE CHILD, Trustee

STATE OF Iowa, COUNTY OF Black Hawk, ss:

This instrument was acknowledged before me on August 15, 2023, by Denise Child as Trustee of the above-entitled trust.



[Signature] (Sign in Ink)  
Notary Public.

(AFFIX NOTARIAL SEAL ABOVE▲)

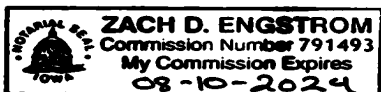
CAVEAT: The executor/grantor should consult with their lawyer concerning the trustee's personal liability arising out of the warranties contained herein.

JOSEPH C. KINTZLE REVOCABLE TRUST

By Jody M Kerns, Trustee (Sign in Ink)  
JODY KERNS, Trustee

STATE OF Iowa, COUNTY OF Delaware, ss:

This instrument was acknowledged before me on August 15, 2023,  
by Jody Kerns as Trustee of the above-entitled trust.



(AFFIX NOTARIAL SEAL ABOVE ▲)

Zach D. Engstrom (Sign in Ink)  
Notary Public.

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. 60  
 ROW PROJECT NO. NHSN-013-2(43)--2R-28 PARCEL NO. 60  
 SECTION 5 TOWNSHIP 90 NORTH RANGE 5 WEST  
 ROW-FEE AC, EASE 0.70 ± AC, EXCESS-FEE AC  
 ACQUIRED FROM JOSEPH C. KINTZLE REVOCABLE TRUST

NORTHWEST CORNER  
 SECTION 5, T90N, R5W  
 FOUND MAG NAIL WITH  
 STAINLESS STEEL WASHER  
 PER CORNER CERTIFICATE  
 BOOK 2020, PAGE 4678

PARCEL 60 ACREAGE SUMMARY TABLE SECTION 5, T90N, R5W	
LOCATION	NEW R.O.W.
SW 1/4 NW 1/4	0.70 ± AC.
TOTAL	0.70 ± AC.

IA 13 CENTERLINE DATA FOR PROJECT NO. NHSN-013-2(43)--2R-28		
COURSE	BEARING	DISTANCE
PT 1481+85.01		
TO	N 02° 49' 44" E	3287.44'
TS 1514+72.45		

COURSE	BEARING	DISTANCE	(RECORD)
A	N 82° 52' 09" E	60.20'	
B	N 02° 49' 49" E	1143.61'	
C	N 14° 15' 04" E	101.94'	(102.00')
D	S 03° 53' 46" W	262.19'	
E	S 02° 46' 14" E	102.49'	
F	S 02° 26' 08" W	873.90'	
G	S 82° 52' 09" W	31.81'	

STATION/OFFSET NEW R.O.W. ACQUISITION		
POINT	STATION	OFFSET
1718	1514+18.15	69.88'
T2016	1510+54.00	75.00'
T2017	1511+56.00	65.00'
T2018	1501+80.12	81.00'

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

SW 1/4 NW 1/4  
 SECTION 5, T90N, R5W

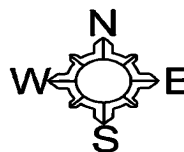
SE CORNER SW NW  
 SECTION 5, T90N, R5W  
 FOUND STONE  
 PER CORNER CERTIFICATE  
 BOOK 2020, PAGE 4678

WEST 1/4 CORNER  
 SECTION 5, T90N, R5W  
 FOUND CUT "X"  
 PER CORNER CERTIFICATE  
 BOOK 2020, PAGE 4678

SOUTH LINE SW 1/4 NW 1/4 SECTION 5, T90N, R5W  
 N 82° 52' 09" E, 1323.32'

### LEGEND

- FOUND 5/8" REBAR W/ALUMINUM DOT ROW CAP
- R.O.W. LINE
- FENCE LINE
- SECTION LINE AND OR 1/4 1/4 SECTION LINE
- ( ) RECORDED AS
- P.O.B. POINT OF BEGINNING
- PERMANENT EASEMENT



1" = 300'

DATE DRAWN: 5/11/2022 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 8/22/2022  
 Date

Brad J. Burger  
 License number 28281  
 My license renewal date is December 31, 2022  
 Pages or Sheets covered by this seal: Sheet 1 of 1