

Recorded: 9/25/2023 at 9:47:15.0 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: 2397



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 TWENTY SEVEN THOUSAND FIVE HUNDRED TEN AND NO/100----(\$27,510.00)----DOLLARS and other valuable consideration in hand paid by Iowa Department of Transportation, **CJH FARMS, 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 Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4) of Section Seventeen (17), 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" 1 of 2, attached hereto and by reference made a part hereof and more particularly described as follows:

Commencing at the Southeast corner of the Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4) 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 49.73 feet along the South line of the Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4) of said Section Seventeen (17) 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 Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4) South 88° 17' 40" West 28.73 feet; thence North 05° 51' 08" West 43.77 feet; thence North 01° 25' 52" West 350.01 feet; thence North 04° 40' 13" West 250.29 feet; thence North 00° 20' 49" West 400.15 feet; thence North 01° 55' 20" West 150.00 feet; thence North 14° 18' 28" East 111.76 feet to said existing Westerly right of way line and a Southerly corner of Parcel A as recorded in Plat Book 7, Page 119 in the Office of the Delaware County Recorder; thence South 01° 51' 21" East 1301.08 feet along said existing Westerly right of way line to the Point of Beginning, containing 0.96 acres more or less.

Note: The South line of the Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4) 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.

And

Parcel B

A parcel of land located in the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section Seventeen (17), 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" 2 of 2, 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 Northwest Quarter (NW1/4) of Section Seventeen (17), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth (5th) Principal Meridian, Delaware County, Iowa; thence South 02° 10' 20" East 955.77 feet along the East line of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of said Section Seventeen (17) to the Northeast corner of Parcel A as recorded in Plat Book 7, Page 119 in the Office of the Delaware County Recorder; thence South 87° 49' 20" West 33.00 feet along the North line of said Parcel A 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 A South 87° 49' 20" West 17.02 feet; thence North 13° 49' 32" West 48.48 feet; thence North 03° 09' 53" West 415.10 feet; thence North 06° 25' 18" East 75.80 feet; thence North 01° 36' 34" West 300.98 feet; thence North 08° 44' 15" West 85.31 feet to the existing Southerly right of way line of 180th Street; thence North 88° 12' 48" East 29.47 feet along said existing Southerly right of way line to the existing Westerly right of way line of Iowa Highway 13; thence South 02° 10' 20" East 922.99 feet along said existing Westerly right of way line to the Point of Beginning, containing 0.56 acres more or less.

Note: The East line of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) 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 02° 10' 20" 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 17, 2023, and recorded in the Delaware County Recorder's Office on August 21, 2023 at Book 2023, Page 1969, except for those terms that survive the execution of this document.

The additional amount of \$6,318.00 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.

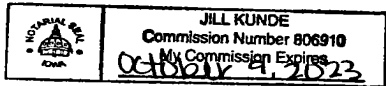
Dated JULY 14, 2023

CJH FARMS, LLC

By: Curtis J. Honkamp (Sign in Ink)
Curtis J. Honkamp, Manager

STATE OF lowca, COUNTY OF Delaware, ss:

This instrument was acknowledged before me on JULY 14, 2023, by Curtis J. Honkamp as Manager of CJH Farms, LLC.



Jill Kunde (Sign in Ink)
Notary Public.

(AFFIX NOTARIAL SEAL ABOVE ▲)

Iowa Department of Transportation

ACQUISITION PLAT
EXHIBIT "A1 OF 2"



COUNTY DELAWARE STATE CONTROL NO. _____
 ROW PROJECT NO. NHSN-013-2(43)--2R-28 PARCEL NO. 13
 SECTION 17 TOWNSHIP 89 NORTH RANGE 5 WEST
 ROW-FEE _____ AC, EASE 0.96 +/- AC EXCESS-FEE _____ AC
 ACCESS RIGHTS ACQUIRED - STA _____ STA _____ MAIN LINE _____ SIDE
 ACCESS RIGHTS ACQUIRED - STA _____ STA _____ SIDE ROAD _____ SIDE
 ACQUIRED FROM _____

LINE	BEARING	DISTANCE
L1	N 05°51'08" W	43.77'
L2	N 04°40'13" W	250.29'
L3	N 01°55'20" W	150.00'
L4	N 14°18'28" E	111.76'

PARCEL A
PLAT BOOK 7,
PAGE 119

NE CORNER NW1/4 NW1/4
SEC. 17, T89N, R5W
FOUND PK NAIL

STA. 1085+57.31
☉ 49.76'

STA. 1084+50.00
☉ 81.00'

STA. 1083+00.00
☉ 81.00'

IOWA HIGHWAY #13
☉ PER PROJECT NO.
NHSN-013-2(43)--2R-28
☉ BEARING: N 01°55'20" W

PART OF THE SW1/4 NW1/4
SEC. 17, T89N, R5W

PARCEL A
0.96 +/- ACRES

STA. 1079+00.00
☉ 92.00'

STA. 1076+50.00
☉ 80.00'

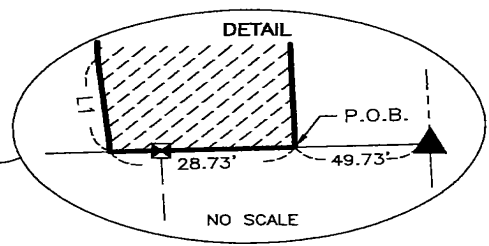
STA. 1073+00.00
☉ 83.00'

STA. 1072+56.33
☉ 80.00'



LEGEND

- FD. R.O.W. RAIL
- FD. 1/2" IRON ROD W/ YELLOW CAP #11809
- PERMANENT EASEMENT
- SECTION LINE AND OR 1/4 OR 1/4 1/4 SECTION LINE
- CENTERLINE
- R.O.W. LINE
- () RECORDED AS P.O.B.
- () POINT OF BEGINNING



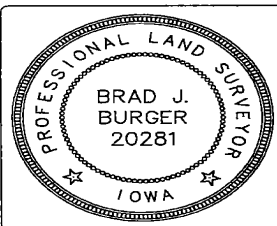
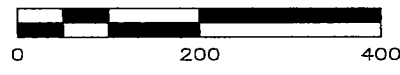
W1/4 CORNER
SEC. 17, T89N, R5W
FD. 5/8" IRON ROD W/
ALUMINUM CAP MARKED 17/18

S 88°17'40" W 1356.80'
(N 89°49'53" W 1356.62')

SE CORNER SW1/4 NW1/4
SEC. 17, T89N, R5W
FD. CUT X IN CONCRETE

DATE DRAWN: 7/27/2022
DATE REVISED: 5/31/2023

SCALE: 1" = 200'



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 5/31/2023
BRAD J. BURGER LICENSE NO. 20281 DATE

My license renewal date is December 31, 2024

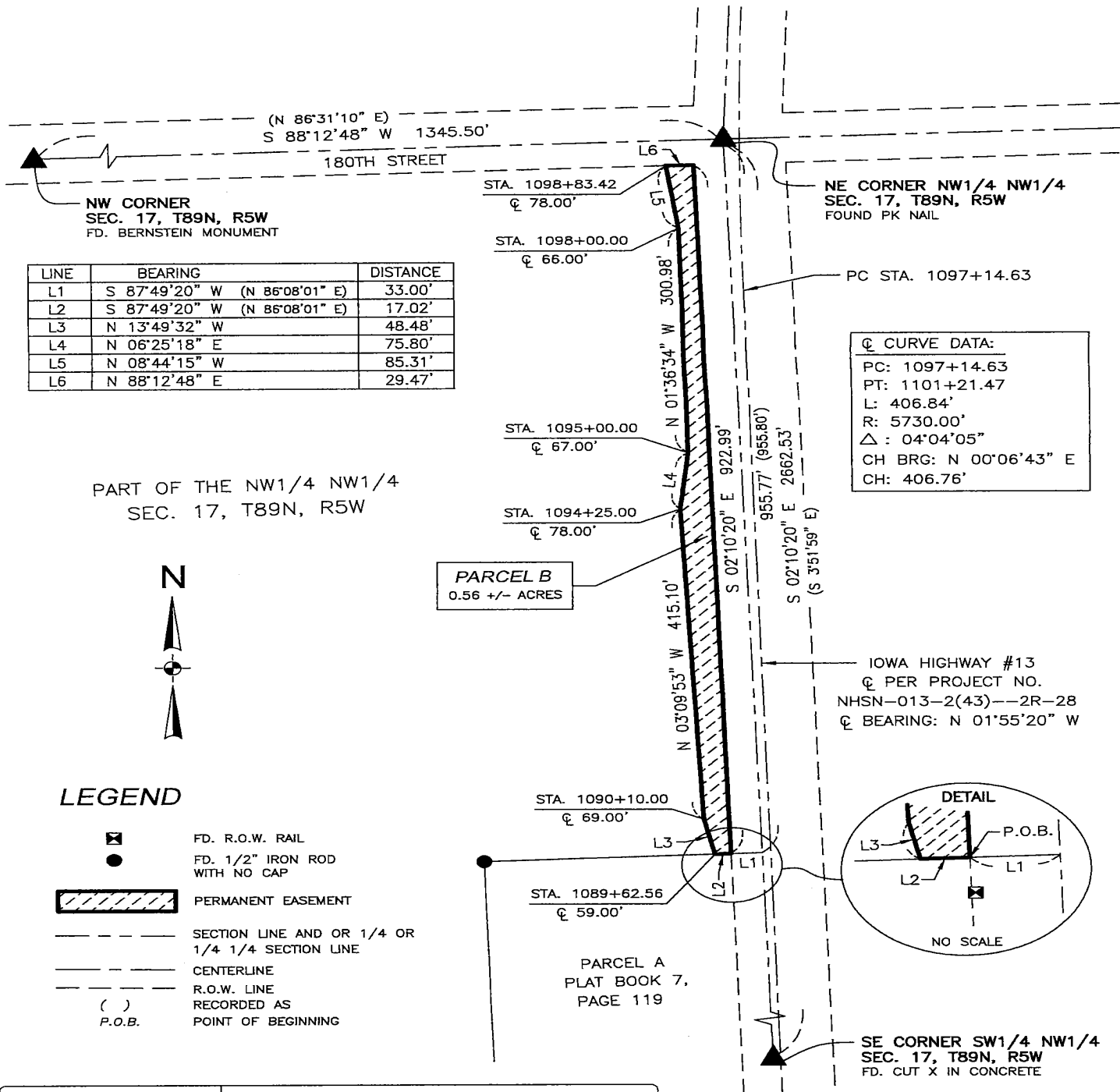
Pages or sheets covered by this seal: This page only

Iowa Department of Transportation

ACQUISITION PLAT
EXHIBIT "A2 OF 2"



COUNTY DELAWARE STATE CONTROL NO. _____
 ROW PROJECT NO. NHSN-013-2(43)--2R-28 PARCEL NO. 13
 SECTION 17 TOWNSHIP 89 NORTH RANGE 5 WEST
 ROW-FEE _____ AC, EASE 0.56 +/- AC EXCESS-FEE _____ AC
 ACCESS RIGHTS ACQUIRED - STA _____ STA _____ MAIN LINE _____ SIDE
 ACCESS RIGHTS ACQUIRED - STA _____ STA _____ SIDE ROAD _____ SIDE
 ACQUIRED FROM _____



LINE	BEARING	DISTANCE
L1	S 87°49'20" W (N 86°08'01" E)	33.00'
L2	S 87°49'20" W (N 86°08'01" E)	17.02'
L3	N 13°49'32" W	48.48'
L4	N 06°25'18" E	75.80'
L5	N 08°44'15" W	85.31'
L6	N 88°12'48" E	29.47'

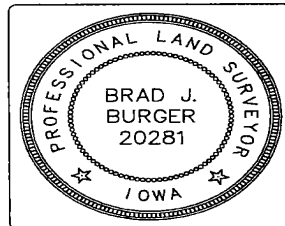
☉ CURVE DATA:	
PC:	1097+14.63
PT:	1101+21.47
L:	406.84'
R:	5730.00'
Δ:	04°04'05"
CH BRG:	N 00°06'43" E
CH:	406.76'

PART OF THE NW1/4 NW1/4
SEC. 17, T89N, R5W



LEGEND

- FD. R.O.W. RAIL
- FD. 1/2" IRON ROD WITH NO CAP
- PERMANENT EASEMENT
- SECTION LINE AND OR 1/4 OR 1/4 1/4 SECTION LINE
- CENTERLINE
- R.O.W. LINE
- RECORDED AS P.O.B.
- POINT OF BEGINNING



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 5/31/2023
 BRAD J. BURGER LICENSE NO. 20281 DATE
 My license renewal date is December 31, 2024
 Pages or sheets covered by this seal: This page only

DATE DRAWN: 7/27/2022
DATE REVISED: 5/31/2023

SCALE: 1" = 150'

