

Recorded: 9/25/2023 at 10:13:39.0 AM
County Recording Fee: \$32.00
Iowa E-Filing Fee: \$3.00
Combined Fee: \$35.00
Revenue Tax:
Delaware County, Iowa
Daneen Schindler RECORDER
BK: 2023 PG: 2402



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 THREE THOUSAND SEVEN HUNDRED FIVE AND NO/100----- (\$3,705.00)-----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 DELROSE G. 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:

Two parcels/tracts of land located in the SE $\frac{1}{4}$ of the NE Fr $\frac{1}{4}$ of Section 6, Township 89 North, Range 5 West of the 5th P.M., Delaware County, Iowa, as shown on the Acquisition Plat Exhibit "A1 of 2" and "A2 of 2", attached hereto and by reference made a part hereof and more particularly described as follows:

Parcel/Tract A

Commencing at the East $\frac{1}{4}$ corner of Section 6, Township 89 North, Range 5 West of the 5th P.M., Delaware County, Iowa; thence South 89°18'49" West 71.26 feet along the South line of the SE $\frac{1}{4}$ of the NE Fr $\frac{1}{4}$ of said Section 6; thence North 01°38'28" East 130.64 feet to the Point of Beginning, corner also being at the intersection of the existing Westerly right of way line of Iowa Highway 13 with the existing Northerly right of way line of 165th Street; thence South 45°29'06" West 28.22 feet along said existing Northerly right of way line of 165th Street; thence North 05°13'33" East 312.60 feet to said existing Westerly right of way line of Iowa Highway 13; thence South 01°38'28" West 291.64 feet along said existing Westerly right of way line to the Point of Beginning, containing 0.07 acres more or less.

and,

Parcel/Tract B

Commencing at the East $\frac{1}{4}$ corner of Section 6, Township 89 North, Range 5 West of the 5th P.M., Delaware County, Iowa; thence South 89°18'49" West 71.26 feet along the South line of the SE $\frac{1}{4}$ of the NE Fr $\frac{1}{4}$ of said Section 6; thence North 01°38'28" East 130.64 feet to the intersection of the existing Westerly right of way line of Iowa Highway 13 with the existing Northerly right of way line of 165th Street; thence North 01°38'28" East 688.64 feet along said existing Westerly right of way line of Iowa Highway 13 to the Point of

Beginning; thence North 02°29'32" West 288.76 feet; thence North 06°15'17" East 162.52 feet; thence North 18°51'01" East 26.17 feet to said existing Westerly right of way line of Iowa Highway 13; thence South 01°38'28" West 475.00 feet along said existing Westerly right of way line to the Point of Beginning, containing 0.12 acres more or less.

Note: The South line of the SE¼ of the NE Fr.¼ of Section 6, Township 89 North, Range 5 West of the 5th P.M., Delaware County, Iowa is assumed to bear South 89°18'49" West.

This easement is 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 1960, 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 July 12, 2023

TRUST AGREEMENT OF DELROSE G.
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.

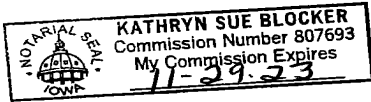
Dated June 26, 2023

TRUST AGREEMENT OF DELROSE G.
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.

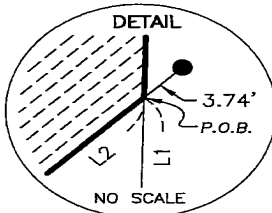
Iowa Department of Transportation

ACQUISITION PLAT
EXHIBIT "A1 OF 2"



COUNTY DELAWARE STATE CONTROL NO. _____
 ROW PROJECT NO. NHSN-013-2(43)--2R-28 PARCEL NO. 31
 SECTION 6 TOWNSHIP 89 NORTH RANGE 5 WEST
 ROW-FEE _____ AC, EASE 0.07 +/- 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 01°38'28" E	130.64'
L2	S 45°29'06" W (N 43°45'10" E)	28.22'
L3	S 45°29'06" W (N 43°45'10" E)	73.51'



LEGEND

- FD. 1/2" IRON ROD W/ ORANGE CAP #8419
- CENTERLINE
- R.O.W. LINE
- SECTION LINE AND OR 1/4 OR 1/4 1/4 SECTION LINE
- PERMANENT EASEMENT
- () RECORDED AS P.O.B.
- P.O.B. POINT OF BEGINNING



SE1/4 NE FRL.1/4
SEC. 6, T89N, R5W

STA. 1188+03.00
☉ 68.88'

PARCELA
0.07 +/- ACRES

STA. 1184+91.00
☉ 88.29'

SEE
DETAIL

(N 87°34'30" E 2492.13')
(N 89°18'26" E 2492.22')

165TH STREET

DIMENSION
LINE ONLY

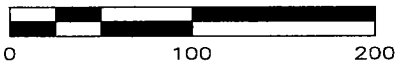
(S 89°18'49" W 2633.82')
(N 87°34'30" E 2633.44')

CENTER OF SECTION
SEC. 6, T89N, R5W
FD. CUT X IN CONCRETE

E1/4 CORNER
SEC. 6, T89N, R5W
FD. CUT X IN CONCRETE

IOWA HIGHWAY #13
☉ PER PROJECT NO.
NHSN-013-2(43)--2R-28
☉ BEARING: N 01°40'00" E

SCALE: 1" = 100'



DATE DRAWN: 8/12/2022
DATE REVISED: 5/31/2023



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

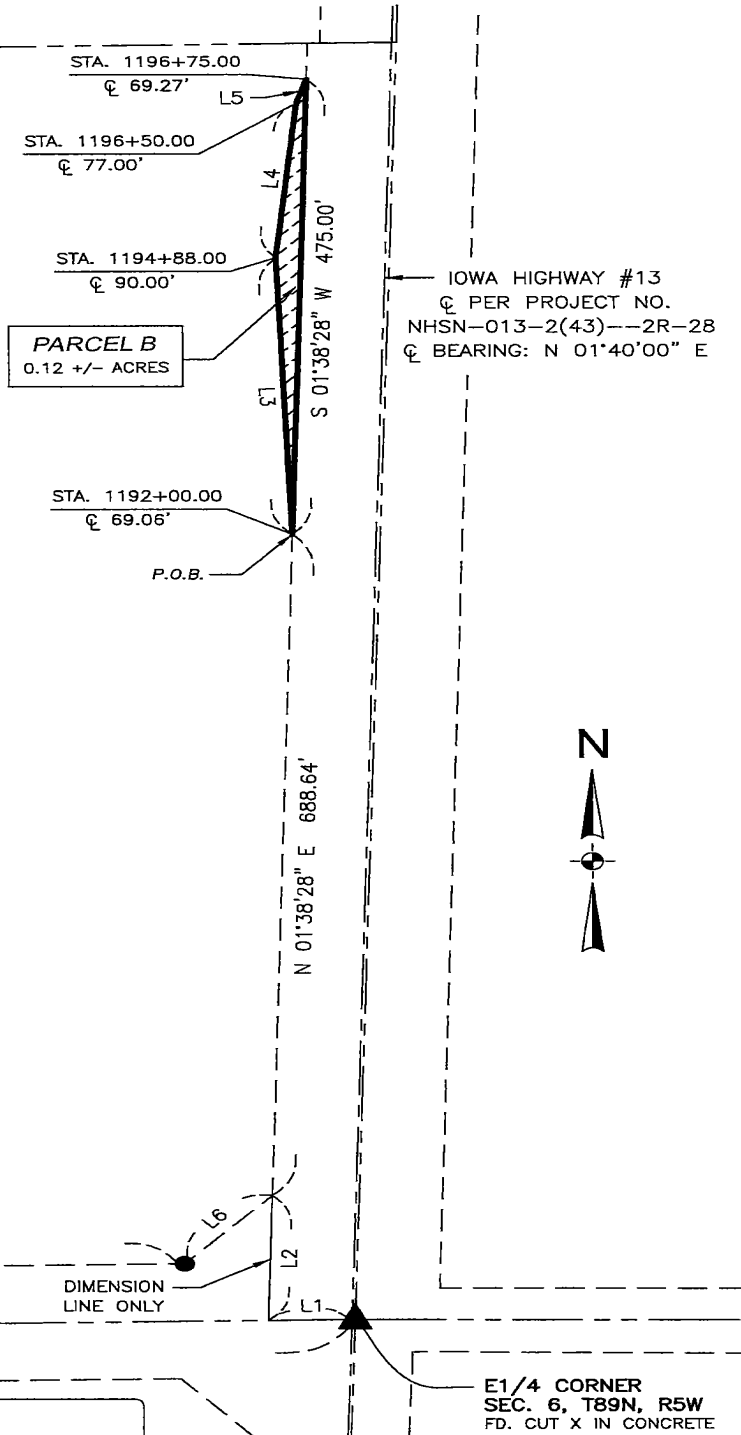
ACQUISITION PLAT
EXHIBIT "A2 OF 2"



COUNTY DELAWARE STATE CONTROL NO. _____
 ROW PROJECT NO. NHSN-013-2(43)--2R-28 PARCEL NO. 31
 SECTION 6 TOWNSHIP 89 NORTH RANGE 5 WEST
 ROW-FEE _____ AC, EASE 0.12 +/- 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 89°18'49" W	71.26'
L2	N 01°38'28" E	130.64'
L3	N 02°29'32" W	288.76'
L4	N 06°15'17" E	162.52'
L5	N 18°51'01" E	26.17'
L6	S 45°29'06" W (N 43°45'10" E)	101.73'

SE1/4 NE FRL.1/4
SEC. 6, T89N, R5W



LEGEND

- FD. 1/2" IRON ROD W/
ORANGE CAP #8419
- CENTERLINE
- R.O.W. LINE
- SECTION LINE AND OR 1/4
OR 1/4 1/4 SECTION LINE
- PERMANENT EASEMENT
- () RECORDED AS
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CENTER OF SECTION
SEC. 6, T89N, R5W
FD. CUT X IN CONCRETE

(N 87°34'30" E 2492.13')
(N 89°18'26" E 2492.22')

165TH STREET

S 89°18'49" W 2633.82'
(N 87°34'30" E 2633.44')

DIMENSION
LINE ONLY

E1/4 CORNER
SEC. 6, T89N, R5W
FD. CUT X IN CONCRETE



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: 8/12/2022
DATE REVISED: 10/10/2022 AND 5/31/2023

SCALE: 1" = 150'

