

Recorded: 10/5/2023 at 8:21:41.0 AM
County Recording Fee: \$42.00
Iowa E-Filing Fee: \$3.00
Combined Fee: \$45.00
Revenue Tax:
Delaware County, Iowa
Daneen Schindler RECORDER
BK: 2023 PG: 2499



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 (Inter Vivos Trust)

For the consideration of TWENTY ONE THOUSAND EIGHT HUNDRED FORTY AND NO/100—(\$ 21,840.00)—DOLLARS and other valuable consideration in hand paid by Iowa Department of Transportation, **ROBERT G. BARR and ELAINE M. BARR, Trustees of the BARR LIVING 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:

Parcel A

A parcel of land located in the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Seven (7), Township Ninety North (T90N), Range Five West (R5W), of the Fifth (5th) P. M., Delaware County, Iowa, as shown on the Acquisition Plat Exhibit "A-1 of 3", attached hereto and by reference made a part hereof and more particularly described as follows:

Commencing at the East Quarter (E $\frac{1}{4}$) corner of Section Seven (7), Township Ninety North (T90N), Range Five West (R5W), of the Fifth (5th) P. M., Delaware County, Iowa; thence South 89° 56' 54" West 39.94 feet along the South line of the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section Seven (7) 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 Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) South 89° 56' 54" West 22.62 feet; thence North 06° 12' 24" East 16.46 feet; thence North 06° 42' 34" West 190.39 feet; thence North 15° 52' 17" East 103.85 feet; thence North 00° 59' 55" West 140.03 feet; thence North 05° 11' 55" East 115.43 feet; thence North 05° 06' 26" West 182.79 feet; thence North 05° 59' 14" East 119.60 feet; thence North 00° 31' 37" West 454.69 feet to the North line of said Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$); thence North 89° 46' 21" East 9.05 feet along the North line of said Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) to said existing Westerly right of way line of Iowa Highway 13; thence South 00° 14' 37" East 1316.03 feet along said existing Westerly right of way line to the Point of Beginning, containing 0.45 acres more or less.

Note: The East line of the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of Section Seven (7), Township Ninety North (T90N), Range Five West (R5W), of the Fifth (5th) P. M., Delaware County, Iowa is assumed to bear North 00° 08' 57" East.

AND

Parcel B

A parcel of land located in the Northeast Quarter (NE¼) of the Southeast Quarter (SE¼) of Section Seven (7), Township Ninety North (T90N), Range Five West (R5W), of the Fifth (5th) P. M., Delaware County, Iowa, as shown on the Acquisition Plat Exhibit "A-2 of 3", attached hereto and by reference made a part hereof and more particularly described as follows:

Commencing at the East Quarter (E¼) corner of Section Seven (7), Township Ninety North (T90N), Range Five West (R5W), of the Fifth (5th) P. M., Delaware County, Iowa; thence South 89° 56' 54" West 39.94 feet along the North line of the Northeast Quarter (NE¼) of the Southeast Quarter (SE¼) of said Section Seven (7) to the existing Westerly right of way line of Iowa Highway 13 and the Point of Beginning; thence South 00° 14' 37" East 334.93 feet along said existing Westerly right of way line to the North line of Parcel B as recorded in Book 2001, Page 439 in the office of the Delaware County Recorder; thence North 89° 53' 19" West 22.67 feet along the North line of said Parcel B; thence North 07° 14' 17" West 161.59 feet; thence North 06° 12' 24" East 175.59 feet to the North line of said Northeast Quarter (NE¼) of the Southeast Quarter (SE¼); thence North 89° 56' 54" East 22.62 feet along the North line of said Northeast Quarter (NE¼) of the Southeast Quarter (SE¼) to the Point of Beginning, containing 0.25 acres more or less.

AND

Parcel C

A parcel of land located in the Northeast Quarter (NE¼) of the Southeast Quarter (SE¼) of Section Seven (7), Township Ninety North (T90N), Range Five West (R5W), of the Fifth (5th) P. M., Delaware County, Iowa, as shown on the Acquisition Plat Exhibit "A-2 of 3", attached hereto and by reference made a part hereof and more particularly described as follows:

Commencing at the East Quarter (E¼) corner of Section Seven (7), Township Ninety North (T90N), Range Five West (R5W), of the Fifth (5th) P. M., Delaware County, Iowa; thence South 00° 06' 56" West 1044.71 feet along the East line of the Northeast Quarter (NE¼) of the Southeast Quarter (SE¼) of said Section Seven (7) to the Southeast corner of Parcel B as recorded in Book 2001, Page 439 in the office of the Delaware County Recorder; thence North 89° 53' 02" West 26.85 feet along the South line of said Parcel B to the existing Westerly right of way line of Iowa Highway 13 and the Point of Beginning; thence South 00° 27' 03" West 264.62 feet along said existing Westerly right of way line to the South line of said Northeast Quarter (NE¼) of the Southeast Quarter (SE¼); thence South 89° 41' 25"

West 46.04 feet along the South line of said Northeast Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$); thence North 00° 13' 44" East 264.96 feet to the South line of said Parcel B; thence South 89° 53' 02" East 47.07 feet along the South line of said Parcel B to the Point of Beginning, containing 0.28 acres more or less.

Note: The East line of the Northeast Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Seven (7), Township Ninety North (T90N), Range Five West (R5W) of the Fifth (5th) P. M., Delaware County, Iowa is assumed to bear South 00° 06' 56" West.

AND

Parcel D

A parcel of land located in the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Seven (7), Township Ninety North (T90N), Range Five West (R5W) of the Fifth (5th) P. M., Delaware County, Iowa, as shown on the Acquisition Plat Exhibit "A-3 of 3", attached hereto and by reference made a part hereof and more particularly described as follows:

Commencing at the Southeast corner of Section Seven (7), Township Ninety North (T90N), Range Five West (R5W) of the Fifth (5th) P. M., Delaware County, Iowa; thence South 89° 57' 48" West 61.15 feet along the South line of the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section Seven (7) 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 Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) South 89° 57' 48" West 28.17 feet; thence North 10° 48' 06" East 60.28 feet; thence North 05° 28' 51" West 249.35 feet; thence North 12° 53' 04" East 135.19 feet to the South line of a parcel of land described by warranty deed recorded in Book 135, Page 61 in the office of the Delaware County Recorder; thence South 89° 53' 04" East 27.57 feet along the South line of said parcel of land described by warranty deed recorded in Book 135, Page 61 to the existing Westerly right of way line of Iowa Highway 13; thence South 10° 37' 00" West 1.32 feet along said existing Westerly right of way line; thence continuing along said existing Westerly right of way line South 02° 11' 41" West 438.15 feet to the Point of Beginning, containing 0.36 acres more or less.

AND

Parcel E

A parcel of land located in the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Seven (7), Township Ninety North (T90N), Range Five West (R5W) of the Fifth (5th) P. M., Delaware County, Iowa, as shown on the Acquisition Plat Exhibit "A-3 of 3", 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 Seven (7), Township Ninety North (T90N), Range Five West (R5W) of the Fifth (5th) P. M., Delaware County, Iowa; thence South 00° 06' 56" West 1309.11 feet along the East line of the Southeast Quarter (SE1/4) of said Section Seven (7) to the Northeast corner of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of said Section Seven (7); thence South 89° 41' 25" West 28.40 feet along the North line of said Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) to the existing Westerly right of way line of Iowa Highway 13 and the Point of Beginning; thence South 00° 27' 03" West 338.21 feet along said existing Westerly right of way line to the North line of a parcel of land described by warranty deed recorded in Book 135, Page 61 in the Office of the Delaware County Recorder; thence North 89° 53' 04" West 63.73 feet along the North line of said parcel of land described by warranty deed recorded in Book 135, Page 61; thence North 10° 36' 16" East 177.68 feet; thence North 05° 11' 30" West 137.62 feet; thence North 00° 13' 44" East 26.13 feet to the North line of said Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4); thence North 89° 41' 25" East 46.04 feet along the North line of said Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) to the Point of Beginning, containing 0.34 acres more or less.

Note: The East line of the Southeast Quarter (SE1/4) of Section Seven (7), Township Ninety North (T90N), Range Five West (R5W) of the Fifth (5th) P. M., Delaware County, Iowa is assumed to bear South 00° 06' 56" 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 22, 2023, at Book 2023, Page 1995, as Document No. _____, except for those terms that survive the execution of this document.

The additional amount of \$ 13,832.00, 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 6/29, 2023

BARR LIVING TRUST

By *Robert G. Barr* (Sign in Ink)
ROBERT G. BARR, Trustee

By *Elaine M. Barr* (Sign in Ink)
ELAINE M. BARR, Trustee

STATE OF Colorado, COUNTY OF Douglas, ss:

This instrument was acknowledged before me on June 29th, 2023 by Robert G. Barr and Elaine M. Barr as Trustee of the above-entitled trust.



Jaimie Flores (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-1 OF 3"



COUNTY DELAWARE STATE CONTROL NO. _____
 ROW PROJECT NO. NHSN-013-2(43)--2R-28 PARCEL NO. 56
 SECTION 7 TOWNSHIP 90 NORTH RANGE 5 WEST
 ROW-FEE _____ AC ±, EASE 0.45 AC ±, EXCESS-FEE _____ AC ±
 ACQUIRED FROM BARR LIVING TRUST

PARCEL 56 ACREAGE SUMMARY TABLE	
SECTION 7, T90N, R5W	
LOCATION	NEW R.O.W.
THE SE 1/4 NE 1/4	0.45 AC. ±
TOTAL	0.45 AC. ±

NE CORNER
SECTION 7, T90N, R5W
FOUND PK NAIL PER
CORNER CERTIFICATE
BOOK 2020, PAGE 4680

P.O.T. 1474+95.88

NORTH LINE SE 1/4 NE 1/4
SECTION 7, T90N, R5W

IA 13 CENTERLINE DATA FOR PROJECT NO. NHSN-013-2(43)--2R-28		
COURSE	BEARING	DISTANCE
PT 1428+50.35		
TO	N 00° 13' 44" E	4645.53'
POT 1474+95.88		

COURSE	BEARING	DISTANCE
A	S 89° 56' 54" W	39.94'
B	S 89° 56' 54" W	22.62'
C	N 06° 12' 24" E	16.46'
D	N 06° 42' 34" W	190.39'
E	N 15° 52' 17" E	103.85'
F	N 00° 59' 55" W	140.03'
G	N 05° 11' 55" E	115.43'
H	N 05° 06' 26" W	182.79'
I	N 05° 59' 14" E	119.60'
J	N 00° 31' 37" W	454.69'
K	N 89° 46' 21" E	9.05'
L	S 00° 14' 37" E	1316.03'

STATION/OFFSET NEW R.O.W. ACQUISITION		
POINT	STATION	OFFSET
T2053	1462+10.65	75.00'
T2123	1449+11.00	76.00'
T2124	1451+00.00	99.00'
T2125	1452+00.00	71.00'
T2126	1453+40.00	74.00'
T2127	1454+55.00	64.00'
T2128	1456+37.00	81.00'
T2129	1457+56.00	69.00'
T2130	1448+94.63	77.71'

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

SE 1/4 NE 1/4
SECTION 7, T90N, R5W

PARCEL "A"
0.45 ACRES ±

E 1/4 CORNER
TO NE CORNER
N 00° 08' 57" E
2597.18'

IA HIGHWAY #13 CENTERLINE
PER PROJECT NO.
NHSN-013-2(43)--2R-28

EAST 1/4 CORNER
SECTION 7, T90N, R5W
FOUND 1/2" SMOOTH IRON ROD
PER CORNER CERTIFICATE
BOOK 2020, PAGE 4680

SOUTH LINE SE 1/4 NE 1/4
SECTION 7, T90N, R5W

EXISTING WESTERLY
ROW LINE IA 13

PT 1428+50.35

1" = 200'

DATE DRAWN: 6/05/2022 DCF

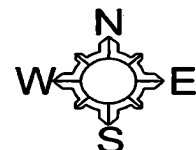


I hereby certify that this land surveying document was prepared and related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Iowa.

Brad J. Burger 8/16/2022
 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

LEGEND

- R.O.W. LINE
- - - SECTION LINE AND OR 1/4 1/4 SECTION LINE
- *-x-x- FENCE LINE
- () RECORDED AS
- P.O.B. POINT OF BEGINNING
- PERMANENT EASEMENT



Iowa Department of Transportation
ACQUISITION PLAT
EXHIBIT "A-2 OF 3"



COUNTY DELAWARE STATE CONTROL NO. _____
ROW PROJECT NO. NHSN-013-2(43)--2R-28 PARCEL NO. 56
SECTION 7 TOWNSHIP 90 NORTH RANGE 5 WEST
ROW-FEE _____ AC ±, EASE 0.53 AC ±, EXCESS-FEE _____ AC ±
ACQUIRED FROM BARR LIVING TRUST

PARCEL 56 ACREAGE SUMMARY TABLE	
SECTION 7, T90N, R5W	
LOCATION	NEW R.O.W.
THE NE 1/4 SE 1/4	0.53 AC. ±
TOTAL	0.53 AC. ±

COURSE	BEARING	DISTANCE
A	S 89° 56' 54" W	39.94'
B	S 00° 14' 37" E	334.93'
C	N 89° 53' 19" W	22.67'
D	N 07° 14' 17" W	161.59'
E	N 06° 12' 24" E	175.59'
F	N 89° 56' 54" E	22.62'
G	S 00° 06' 56" W	1044.71'
H	N 89° 53' 02" W	26.85'
I	S 00° 27' 03" W	264.62'
J	S 89° 41' 25" W	46.04'
K	N 00° 13' 44" E	264.96'
L	S 89° 53' 02" E	47.07'

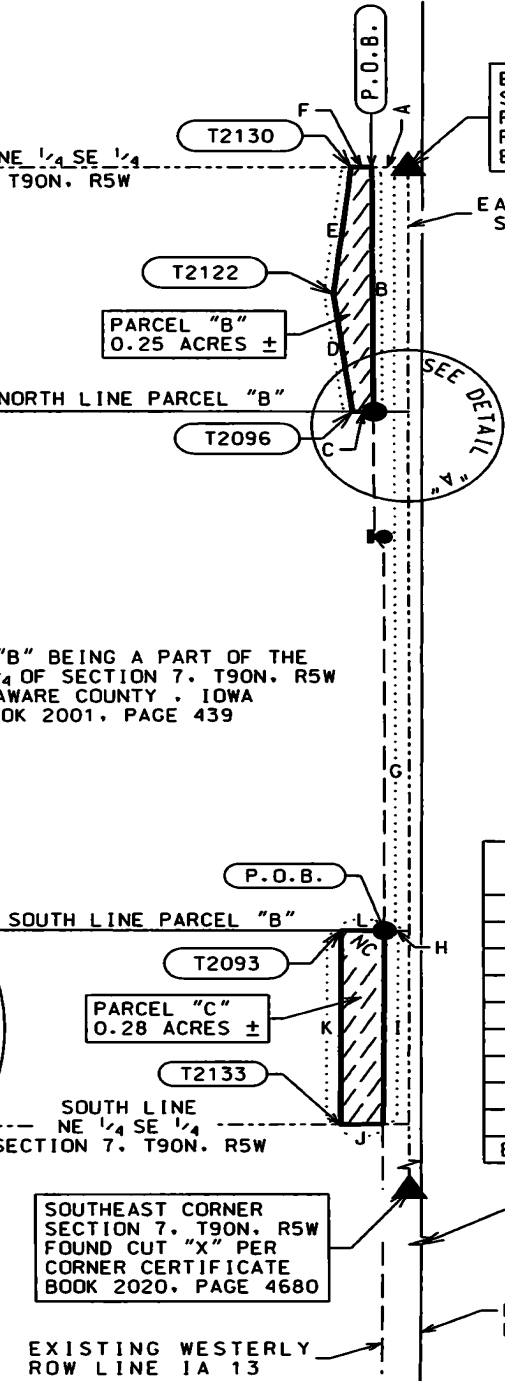
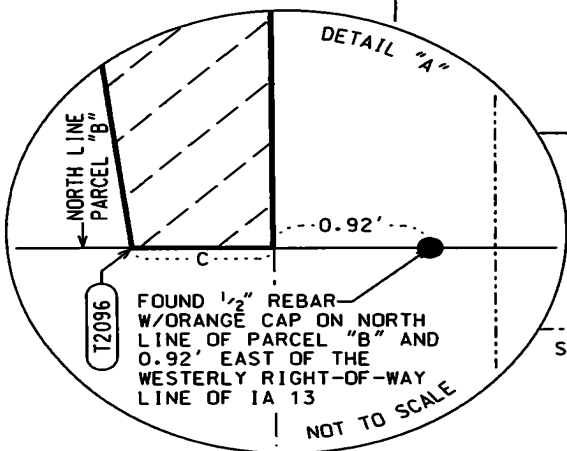
NORTH LINE NE 1/4 SE 1/4 SECTION 7, T90N, R5W

NORTH LINE PARCEL "B"

WEST LINE PARCEL "B"

NE 1/4 SE 1/4 SECTION 7, T90N, R5W

PARCEL "B" BEING A PART OF THE NE 1/4 SE 1/4 OF SECTION 7, T90N, R5W DELAWARE COUNTY, IOWA BOOK 2001, PAGE 439



EAST 1/4 CORNER SECTION 7, T90N, R5W FOUND 1/2" SMOOTH IRON ROD PER CORNER CERTIFICATE BOOK 2020, PAGE 4680

EAST LINE NE 1/4 SE 1/4 SECTION 7, T90N, R5W

SE CORNER TO E 1/4 CORNER BEARING/DISTANCE N 00° 06' 56" E, 2600.03' (2600.08')

STATION/OFFSET NEW R.O.W. ACQUISITION		
POINT	STATION	OFFSET
T2093	1438+50.09	87.00'
T2096	1445+59.78	75.00'
T2122	1447+20.00	96.00'
T2130	1448+94.63	77.71'
T2133	1435+85.13	87.00'

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

IA 13 CURVE DATA FOR PROJECT NO. NHSN-013-2(43)--2R-28	
P.I. STATION	1425+87.49
DELTA	02° 00' 30" (LT)
RADIUS	15,000.00'
DEGREE	00° 22' 55"
TANGENT	262.92'
LENGTH	525.78'
P.C. STATION	1423+24.57
BEARING BACK	S 02° 14' 14" W
P.T. STATION	1428+50.35
BEARING AHEAD	N 00° 13' 44" E

SOUTHEAST CORNER SECTION 7, T90N, R5W FOUND CUT "X" PER CORNER CERTIFICATE BOOK 2020, PAGE 4680

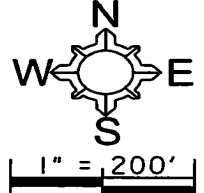
EXISTING WESTERLY ROW LINE IA 13

IA HIGHWAY #13 CENTERLINE PER PROJECT NO. NHSN-013-2(43)--2R-28



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 8/18/2022
Date
Brad J. Burger
License number 20281
My license renewal date is December 31, 2022
Pages or Sheets covered by this seal: Sheet 1 of 1

- LEGEND**
- R.O.W. LINE
 - - - SECTION LINE AND OR 1/4 SECTION LINE
 - ROW RAIL
 - FOUND 1/2" REBAR W/NO CAP UNLESS OTHERWISE NOTED
 - () RECORDED AS
 - P.O.B. POINT OF BEGINNING
 - ▨ PERMANENT EASEMENT



Iowa Department of Transportation

ACQUISITION PLAT
EXHIBIT "A-3 OF 3"

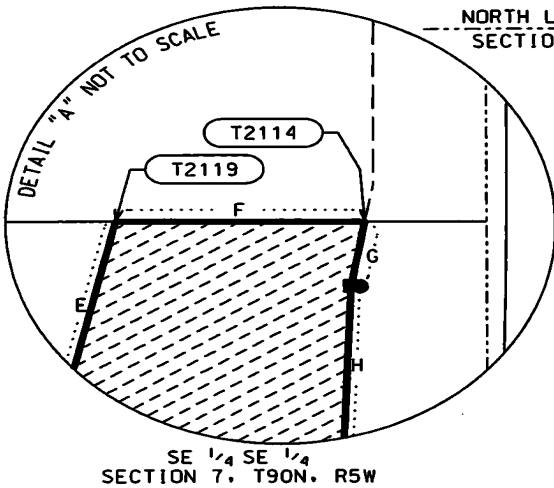


COUNTY DELAWARE STATE CONTROL NO. 56
 ROW PROJECT NO. NHSN-013-2(43)--2R-28 PARCEL NO. 56
 SECTION 7 TOWNSHIP 90 NORTH RANGE 5 WEST
 ROW-FEE AC ±, EASE 0.70 AC ±, EXCESS-FEE AC ±
 ACQUIRED FROM BARR LIVING TRUST

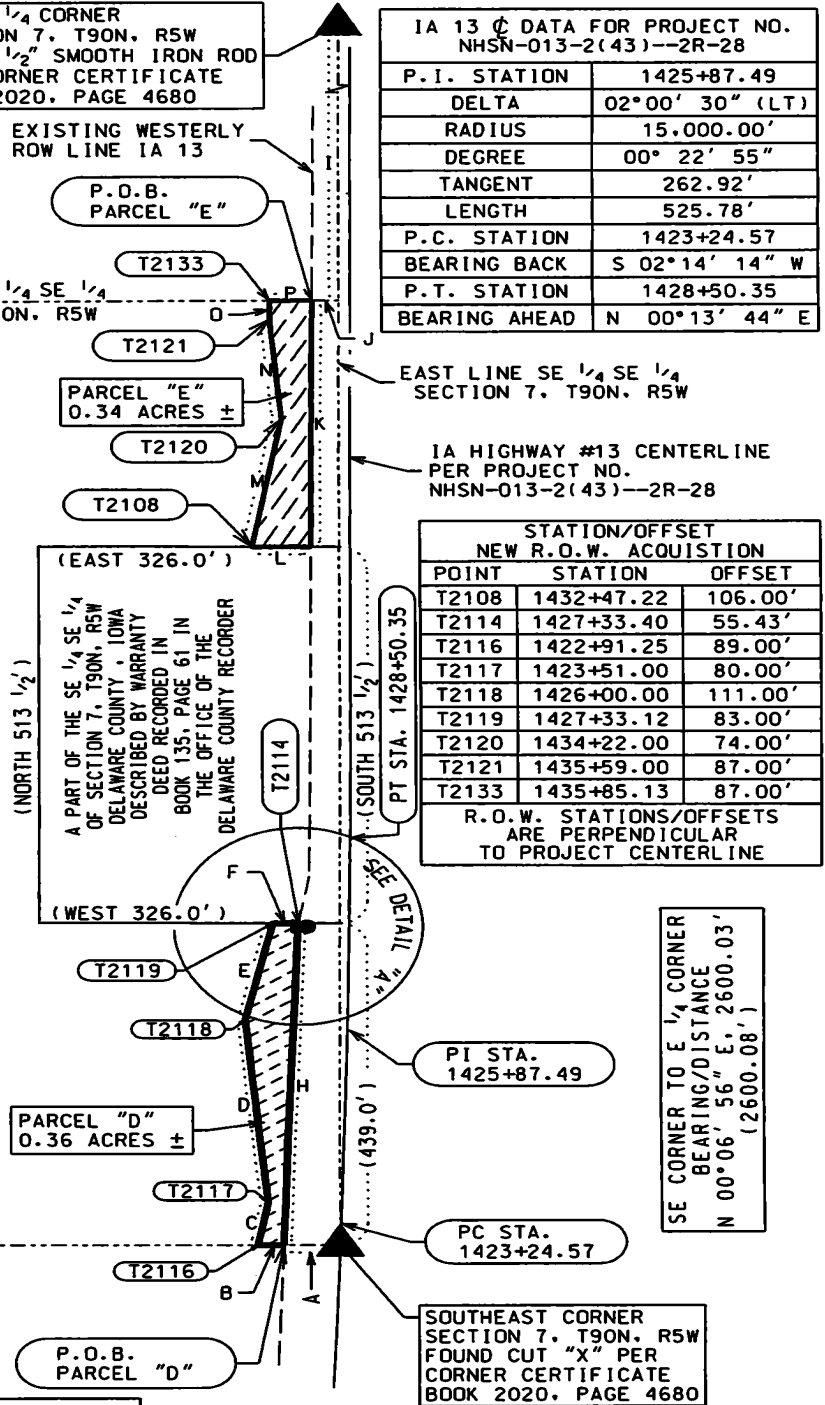
LOCATION	NEW R.O.W.
THE SE 1/4 SE 1/4	0.70 AC. ±
TOTAL	0.70 AC. ±

EAST 1/4 CORNER
SECTION 7, T90N, R5W
FOUND 1/2" SMOOTH IRON ROD
PER CORNER CERTIFICATE
BOOK 2020, PAGE 4680

P.I. STATION	1425+87.49
DELTA	02°00' 30" (LT)
RADIUS	15,000.00'
DEGREE	00° 22' 55"
TANGENT	262.92'
LENGTH	525.78'
P.C. STATION	1423+24.57
BEARING BACK	S 02°14' 14" W
P.T. STATION	1428+50.35
BEARING AHEAD	N 00°13' 44" E



COURSE	BEARING	DISTANCE
A	S 89° 57' 48" W	61.15'
B	S 89° 57' 48" W	28.17'
C	N 10° 48' 06" E	60.28'
D	N 05° 28' 51" W	249.35'
E	N 12° 53' 04" E	135.19'
F	S 89° 53' 04" E	27.57'
G	S 10° 37' 00" W	1.32'
H	S 02° 11' 41" W	438.15'
I	S 00° 06' 56" W	1309.11'
J	S 89° 41' 25" W	28.40'
K	S 00° 27' 03" W	338.21'
L	N 89° 53' 04" W	63.73'
M	N 10° 36' 16" E	177.68'
N	N 05° 11' 30" W	137.62'
O	N 00° 13' 44" E	26.13'
P	N 89° 41' 25" E	46.04'



SOUTH LINE SE 1/4 SE 1/4 SECTION 7, T90N, R5W

REVISION
DATE DRAWN: 11/06/2022 DCF



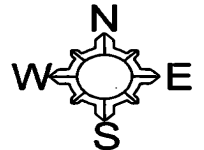
I hereby certify that this land surveying document was prepared and related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Iowa.

Brad J. Burger 11/16/2022
Date

Brad J. Burger
License number 20281
My license renewal date is December 31, 2022
Pages or Sheets covered by this seal: Sheet 1 of 1

LEGEND

- R.O.W. LINE
- - - SECTION LINE AND OR 1/4 SECTION LINE
- ROW RAIL
- () RECORDED AS
- P.O.B. POINT OF BEGINNING
- ▨ PERMANENT EASEMENT



1" = 200'