Recorded: 11/29/2023 at 12:54:59.0 PM

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: 2987



Prepared by & Return To: Lisa Obrecht, Right of Way Bureau, 800 Lincoln Way, Ames, IA 50010, 515-239-1813

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 Noteten Tlessad Five Hundred Ten AND NO/100----(\$ 19,510.00)----DOLLARS and other valuable consideration in hand paid by Iowa Department of Transportation, SANDRA L. SWANSON AND LARRY A. SWANSON, Trustees of the SANDRA L. SWANSON LIVING TRUST DATED NOVEMBER 30, 2011, 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 NW¼ of the NW¼ of Section Twenty-nine (29), Township Ninety North (T90N), 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 Southwest corner of the NW¼ of the NW¼ of Section Twenty-nine (29), Township Ninety North (T90N), Range Five West (R5W) of the Fifth (5th) Principal Meridian, Delaware County, Iowa; thence North 85° 26' 36" East 66.92 feet along the South line of the NW¼ of the NW¼ of said Section Twenty-nine (29) to the existing Easterly right of way line of Iowa Highway 13 and the Point of Beginning; thence North 01° 18' 21" East 929.15 feet along said existing Easterly right of way line; thence continuing along said existing Easterly right of way line North 01° 46' 19" East 394.29 feet to the North line of said NW¼ of the NW¼; thence North 86° 26' 22" East 14.08 feet along the North line of said NW¼ of the NW¼; thence South 04° 57' 00" East 338.71 feet; thence South 07° 05' 38" West 422.49 feet; thence South 00° 37' 58" West 565.77 feet to the South line of said NW¼ of the NW¼; thence South 85° 26' 36" West 18.28 feet along the South line of said NW¼ of the NW¼ to the Point of Beginning, containing 0.77 acre, more or less.

Note: The West line of the NW¼ of the NW¼ of Section Twenty-nine (29), Township Ninety North (T90N), Range Five West (R5W), of the Fifth (5th) Principal Meridian, Delaware County, lowa is assumed to bear North 01° 06′ 30″ East.

AND

Parcel B

A parcel of land located in the NE¼ of the NE¼ of Section Thirty (30), Township Ninety North (T90N), 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 Southeast corner of the NE¼ of the NE⅓ of Section Thirty (30), Township Ninety North (T90N), Range Five West (R5W) of the Fifth (5th) Principal Meridian, Delaware County, Iowa; thence South 89° 18' 11" West 53.97 feet along the South line of the NE⅙ of the NE⅙ of said Section Thirty (30) 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 NE⅙ of the NE⅙ South 89° 18' 11" West 13.32 feet; thence North 03° 58' 41" West 129.43 feet; thence North 01° 41' 16" East 331.01 feet; thence North 07° 29' 12" East 217.25 feet to said existing Westerly right of way line; thence South 01° 20' 14" West 675.40 feet along said existing Westerly right of way line to the Point of Beginning, containing 0.30 acres, more or less.

Note: The East line of the NE¼ of the NE¼ of Section Thirty (30), Township Ninety North (T90N), Range Five West (R5W), of the Fifth (5th) Principal Meridian, Delaware County, Iowa is assumed to bear North 01° 06' 30" East.

This easement is given in fulfillment of a certain Purchase Agreement dated October 9 , 20 23 , and recorded in the Delaware County Recorder's Office on October 11 , 20 23 , at Book 2023 , Page 2532 , as Document No. , except for those terms that survive the execution of this document.

The additional amount of \$_360.00, 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 August 22, 2023

SANDRA L. SWANSON LIVING TRUST, DATED NOVEMBER 30, 2011

By Sandra L. Swanson, Trustee (Sign in Ink)

By Larry A. Swanson, Trustee (Sign in Ink

STATE OF ______, COUNTY OF ______, ss:

This instrument was acknowledged before me on __A_____, 20_23 , by Sandra L. Swanson and Larry A. Swanson as Trustees of the above-entitled trust.



Notany Public (Sign in Ink

(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 2"



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I hereby certify that this land surveying document was prepared and related survey work was performed by see or under my direct personal supervision and that I on a duly licensed Professional Land Surveyor under the lass of the State of lows. BURGER 20281 Brad J Brace 2/10/2022 Brad J Burger Date License number 20281 My license renewal date is December 31, 2022 Pages or Sheets covered by this seal: Sheet I of 1	P.I. STA 1282+83.12			[]" = <u>.</u>	200′ 1		8	PERN			
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Iowa Department of Transportation

ACQUISITION PLAT EXHIBIT "A-2 OF 2"

OIOWADOT

COUNTY	DELA	WARE		_ STATE (CONTR	ROL NO.		
ROW PROJECT NO								
SECTION		TOWNSH						
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	AWN: 5/28/2022 D		don mod					
BRAD J. BURGER 20281 A TOWA	wos prepared and r by me or under my that I am a duly I under the laws of Brad J. Burger License number 2028 My license renewal di		performed sion and nd Surveyor	SECTION '4'4' SE () RECORDE P.O.B. POINT D	LINE 2 REBAR OTHERWIS 1 LINE AN	INE IING ÆNT	W	N ⇒E S