

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 Nineteen Thousand 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 NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ 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 NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ 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 NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ 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 NW $\frac{1}{4}$ of the NW $\frac{1}{4}$; thence North 86° 26' 22" East 14.08 feet along the North line of said NW $\frac{1}{4}$ of the NW $\frac{1}{4}$; 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 NW $\frac{1}{4}$ of the NW $\frac{1}{4}$; thence South 85° 26' 36" West 18.28 feet along the South line of said NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ to the Point of Beginning, containing 0.77 acre, more or less.

Note: The West line of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section Twenty-nine (29), 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.

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 NE¼ 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 NE¼ of the NE¼ 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 NE¼ of the NE¼ 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, 2023, and recorded in the Delaware County Recorder's Office on October 11, 2023, 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

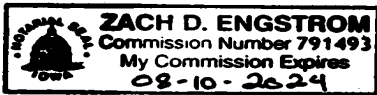
SANDRA L. SWANSON LIVING TRUST,
DATED NOVEMBER 30, 2011

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

By Larry A. Swanson (Sign in Ink)
Larry A. Swanson, Trustee

STATE OF Iowa, COUNTY OF Delaware, ss:

This instrument was acknowledged before me on August 22, 2023,
by Sandra L. Swanson and Larry A. Swanson as Trustees 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.

Iowa Department of Transportation

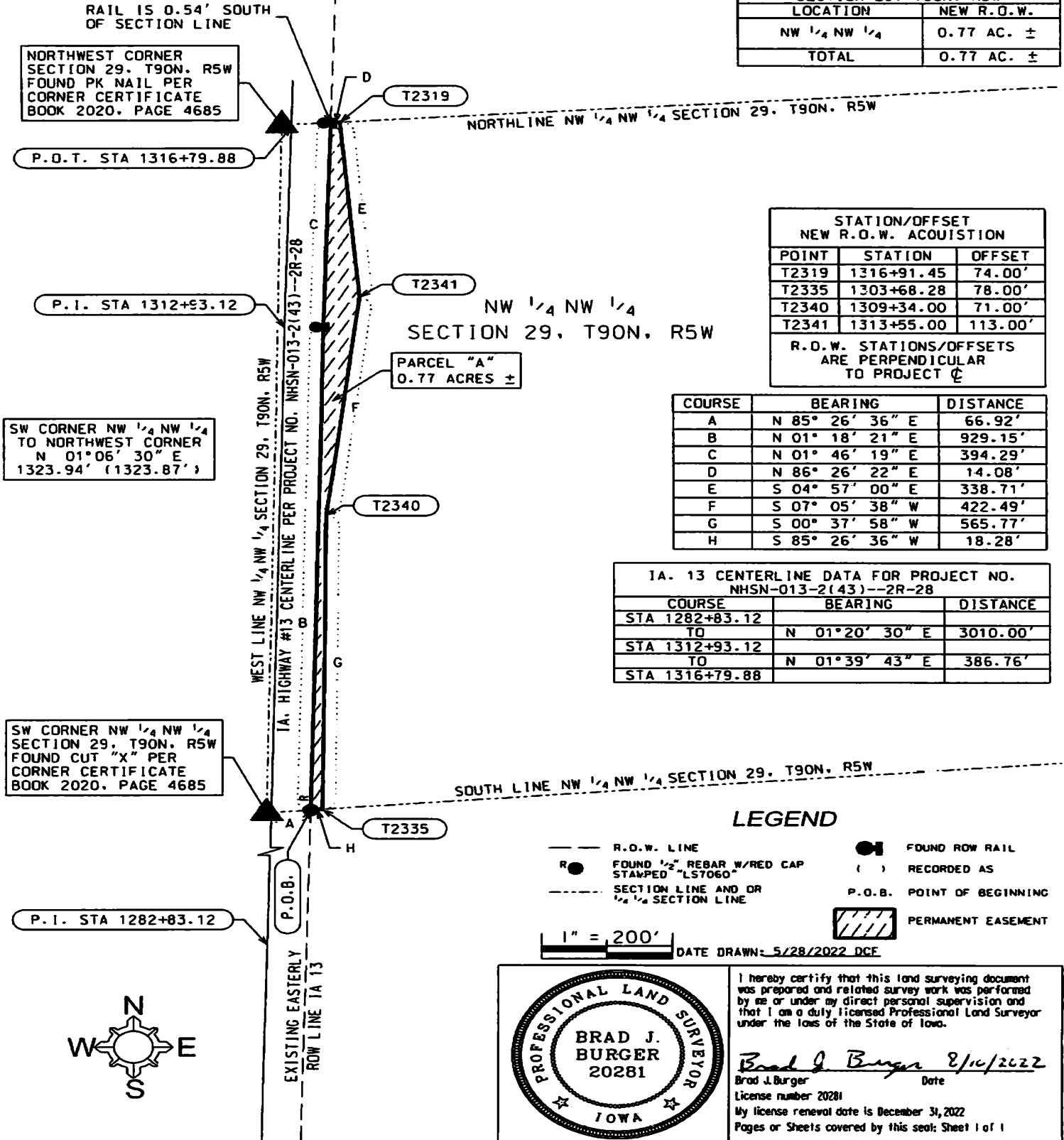
ACQUISITION PLAT
EXHIBIT "A-1 OF 2"



COUNTY DELAWARE STATE CONTROL NO. 43
 ROW PROJECT NO. NHSN-013-2(43)--2R-28 PARCEL NO. 43
 SECTION 29 TOWNSHIP 90 NORTH RANGE 5 WEST
 ROW-FEE 0.77 AC ±, EASE 0.77 AC ±, EXCESS-FEE 0.00 AC ±
 ACQUIRED FROM Sandra L. Swanson Living Trust

PARCEL 43 ACREAGE SUMMARY TABLE
SECTION 29, T90N, R5W

LOCATION	NEW R.O.W.
NW 1/4 NW 1/4	0.77 AC. ±
TOTAL	0.77 AC. ±



STATION/OFFSET
NEW R.O.W. ACQUISITION

POINT	STATION	OFFSET
T2319	1316+91.45	74.00'
T2335	1303+68.28	78.00'
T2340	1309+34.00	71.00'
T2341	1313+55.00	113.00'

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

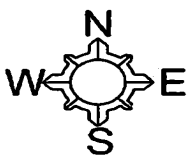
COURSE	BEARING	DISTANCE
A	N 85° 26' 36" E	66.92'
B	N 01° 18' 21" E	929.15'
C	N 01° 46' 19" E	394.29'
D	N 86° 26' 22" E	14.08'
E	S 04° 57' 00" E	338.71'
F	S 07° 05' 38" W	422.49'
G	S 00° 37' 58" W	565.77'
H	S 85° 26' 36" W	18.28'

1A. 13 CENTERLINE DATA FOR PROJECT NO.
NHSN-013-2(43)--2R-28

COURSE	BEARING	DISTANCE
STA 1282+83.12 TO STA 1312+93.12	N 01° 20' 30" E	3010.00'
STA 1312+93.12 TO STA 1316+79.88	N 01° 39' 43" E	386.76'

LEGEND

- R.O.W. LINE
 - FOUND 1/2" REBAR W/RED CAP STAMPED "LST060"
 - SECTION LINE AND OR 1/4 SECTION LINE
 - FOUND ROW RAIL
 - () RECORDED AS
 - P.O.B. POINT OF BEGINNING
 - ▨ PERMANENT EASEMENT
- 1" = 200'
DATE DRAWN: 5/28/2022 DCF



PROFESSIONAL LAND SURVEYOR

BRAD J. BURGER

20281

IOWA

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 8/10/2022
 Brad J. Burger Date
 License number 20281
 My license renewal date is December 31, 2022
 Pages or Sheets covered by this seal: Sheet 1 of 1

Iowa Department of Transportation

ACQUISITION PLAT
EXHIBIT "A-2 OF 2"



COUNTY DELAWARE STATE CONTROL NO. _____
 ROW PROJECT NO. NHSN-013-2(43)--2R-28 PARCEL NO. 43
 SECTION 30 TOWNSHIP 90 NORTH RANGE 5 WEST
 ROW-FEE _____ AC ±. EASE 0.30 AC ±. EXCESS-FEE _____ AC ±
 ACQUIRED FROM Sandra L. Swanson Living Trust

LOCATION	NEW R.O.W.
NE 1/4 NE 1/4	0.30 AC. ±
TOTAL	0.30 AC. ±

NORTHEAST CORNER
SECTION 30, T90N, R5W
FOUND PK NAIL PER
CORNER CERTIFICATE
BOOK 2020, PAGE 4586

P.O.T. STA 1316+79.88

POINT	STATION	OFFSET
T2336	1303+57.13	74.00'
T2337	1310+33.00	60.75'
T2338	1304+86.00	86.00'
T2339	1308+17.00	84.00'

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

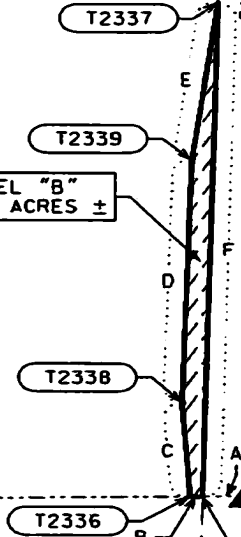
P.I. STA 1312+93.12

PART OF THE NE 1/4 NE 1/4
SECTION 30, T90N, R5W

COURSE	BEARING	DISTANCE
A	S 89° 18' 11" W	53.97'
B	S 89° 18' 11" W	13.32'
C	N 03° 58' 41" W	129.43'
D	N 01° 41' 16" E	331.01'
E	N 07° 29' 12" E	217.25'
F	S 01° 20' 14" W	675.40'

SE CORNER NE 1/4 NE 1/4
TO NORTHEAST CORNER
N 01° 06' 30" E
1323.94' (1323.87')

PARCEL "B"
0.30 ACRES ±



SE CORNER NE 1/4 NE 1/4
SECTION 30, T90N, R5W
FOUNDCUT "X" PER
CORNER CERTIFICATE
BOOK 2020, PAGE 4686

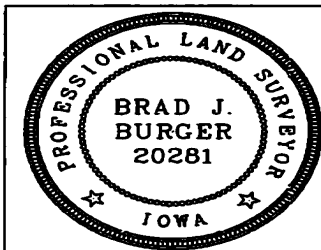
SOUTH LINE NE 1/4 NE 1/4 SECTION 30, T90N, R5W

COURSE	BEARING	DISTANCE
STA 1282+83.12 TO	N 01° 20' 30" E	3010.00'
STA 1312+93.12 TO	N 01° 39' 43" E	386.76'

P.I. STA 1282+83.12

1" = 200'

DATE DRAWN: 5/28/2022 DCE



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 8/10/2022
 Brad J. Burger Date
 License number 20281
 My license renewal date is December 31, 2022
 Pages or Sheets covered by this seal: Sheet 1 of 1

LEGEND

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

