

Recorded: 2/27/2024 at 12:21:50.0 PM  
County Recording Fee: \$42.00  
Iowa E-Filing Fee: \$3.00  
Combined Fee: \$45.00  
Revenue Tax: \$0.00  
Delaware County, Iowa  
Daneen Schindler RECORDER  
BK: 2024 PG: 442



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 (Delaware County Engineer/Secondary Road's Office, 2139 IA-38, Manchester, IA 52057)

## **TRUSTEE EASEMENT FOR PUBLIC HIGHWAY** (Inter Vivos Trust)

For the consideration of ONE THOUSAND EIGHT HUNDRED SEVENTY AND NO/100—(\$ 1,870.00 )—DOLLARS and other valuable consideration in hand paid by Iowa Department of Transportation, **JAMES B. ARTHUR, Trustee of the JAMES B. ARTHUR 2008 REVOCABLE TRUST**, does hereby grant to the **DELAWARE COUNTY 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 F**

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

Commencing at the Southwest Quarter corner of Section Five (5), Township Ninety North (T90N), Range Five West (R5W) of the Fifth (5<sup>th</sup>) P. M., Delaware County, Iowa; thence North 83° 09' 23" East, 112.69 feet along the South line of the Southwest Quarter (SW $\frac{1}{4}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) of said Section 5; thence North 06° 50' 37" West 33.00 feet to the existing Northerly right of way line of 110<sup>th</sup> Street and the Point of Beginning; thence North 07° 28' 48" West 13.94 feet; thence North 89° 44' 11" East 50.66 feet; thence South 60° 02' 43" East 13.58 feet to the said existing Northerly right of way line; thence South 83° 09' 23" West 61.04 feet along said existing Northerly right of way line to the Point of Beginning, containing 0.01 acres more or less.

**Note:** The South line of the Southwest Quarter (SW $\frac{1}{4}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section Five (5), Township Ninety North (T90N), Range Five West (R5W) of the Fifth (5<sup>th</sup>) P. M., Delaware County, Iowa is assumed to bear North 83° 09' 23" East.

And

**Parcel G**

A parcel of land located in the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of Section Six (6), Township Ninety North (T90N), Range Five West (R5W) of the Fifth (5<sup>th</sup>) P. M., Delaware County, Iowa, as shown on the Acquisition Plat Exhibit "A-2 of 4", attached hereto and by reference made a part hereof and more particularly described as follows:

Commencing at the Southeast corner of Section Six (6), Township Ninety North (T90N), Range Five West (R5W) of the Fifth (5<sup>th</sup>) P. M., Delaware County, Iowa; thence North 89° 15' 51" West 59.53 feet along the South line of the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of said Section 6; thence North 00° 44' 09" East 33.00 feet to the existing Northerly right of way line of 110<sup>th</sup> Street and the Point of Beginning; thence North 89° 15' 51" West 64.02 feet along said existing Northerly right of way line; thence North 00° 25' 45" East 14.42 feet; thence North 77° 46' 33" East 63.91 feet; thence South 02° 53' 02" East 28.81 feet to the Point to Beginning, containing 0.03 acres more or less.

**Note:** The South line of the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of Section Six (6), Township Ninety North (T90N), Range Five West (R5W) of the Fifth (5<sup>th</sup>) P. M., Delaware County, Iowa is assumed to bear North 89° 15' 51" West.

And

**Parcel H**

A parcel of land located in the Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of Section Seven (7), Township Ninety North (T90N), Range Five West (R5W) of the Fifth (5<sup>th</sup>) P. M., Delaware County, Iowa, as shown on the Acquisition Plat Exhibit "A-3 of 4", attached hereto and by reference made a part hereof and more particularly described as follows:

Commencing at the Northeast corner of Section Seven (7), Township Ninety North (T90N), Range Five West (R5W) of the Fifth (5<sup>th</sup>) P. M., Delaware County, Iowa; thence North 89° 15' 51" West 49.94 feet along the North line of the Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of said Section Seven (7); thence South 00° 44' 09" West 33.00 feet to the existing Southerly right of way line of 110<sup>th</sup> Street and the Point of Beginning; thence South 05° 12' 38" West 30.30 feet; thence North 66° 11' 15" West 77.06 feet to said existing Southerly right of way line of 110<sup>th</sup> Street; thence South 89° 15' 51" East 73.26 feet along said existing Southerly right of way line to the Point of Beginning, containing 0.03 acres more or less

**Note:** The North line of the Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of Section Seven (7), Township Ninety North (T90N), Range Five West (R5W) of the Fifth (5<sup>th</sup>) P. M., Delaware County, Iowa is assumed to bear North 89° 15' 51" West.

And

**Parcel I**

A parcel of land located in the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) of Section Eight (8), Township Ninety North (T90N), Range Five West (R5W) of the Fifth (5<sup>th</sup>) P. M., Delaware County, Iowa, as shown on the Acquisition Plat Exhibit "A-4 of 4", attached hereto and by reference made a part hereof and more particularly described as follows:

Commencing at the Northwest corner of said Section Eight (8), Township Ninety North (T90N), Range Five West (R5W) of the Fifth (5<sup>th</sup>) P. M., Delaware County, Iowa; thence North 83° 09' 23" East 88.37 feet along the North line of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) of said Section Eight (8); thence South 06° 50' 37" East 33.00 feet to the existing Southerly right of way line of 110<sup>th</sup> Street and the Point of Beginning; thence North 83° 09' 23" East 78.30 feet along said existing Southerly right of way line; thence South 57° 11' 40" West 88.34 feet; thence North 05° 10' 33" West 38.69 feet to the Point of Beginning, containing 0.03 acres more or less.

**Note:** The North line of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) of Section Eight (8), Township Ninety North (T90N), Range Five West (R5W) of the Fifth (5<sup>th</sup>) P. M., Delaware County, Iowa is assumed to bear North 83° 09' 23" East.

This easement and a certain Easement to the State of Iowa, executed by the above named grantor are given in fulfillment of a certain Purchase Agreement dated November 20, 20 23, and recorded in the Delaware County Recorder's Office on November 28, 20 23, at Book 2023, Page 2979, as Document No. \_\_\_\_\_, 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 October 18, 2023

JAMES B. ARTHUR 2008 REVOCABLE TRUST

By *James B. Arthur* (Sign in Ink)  
James B. Arthur, Trustee

STATE OF Iowa, COUNTY OF Dallas, ss:

This instrument was acknowledged before me on October 18, 2023, by James B. Arthur as Trustee of the above-entitled trust.



*Zach D. Engstrom* (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 4"



COUNTY DELAWARE STATE CONTROL NO. \_\_\_\_\_  
 ROW PROJECT NO. NHSN-013-2(43)--2R-28 PARCEL NO. 58  
 SECTION 5 TOWNSHIP 90 NORTH RANGE 5 WEST  
 ROW-FEE \_\_\_\_\_ AC ±, EASE \*0.01 AC ±, EXCESS-FEE \_\_\_\_\_ AC ±  
 ACQUIRED FROM JAMES B. ARTHUR 2008 REVOCABLE TRUST

\* ACQUIRED IN THE NAME OF DELAWARE COUNTY

LOCATION	*NEW R.O.W.
SW 1/4 SW 1/4 SEC 5, T90N, R5W	0.01 AC. ±
TOTAL	0.01 AC. ±

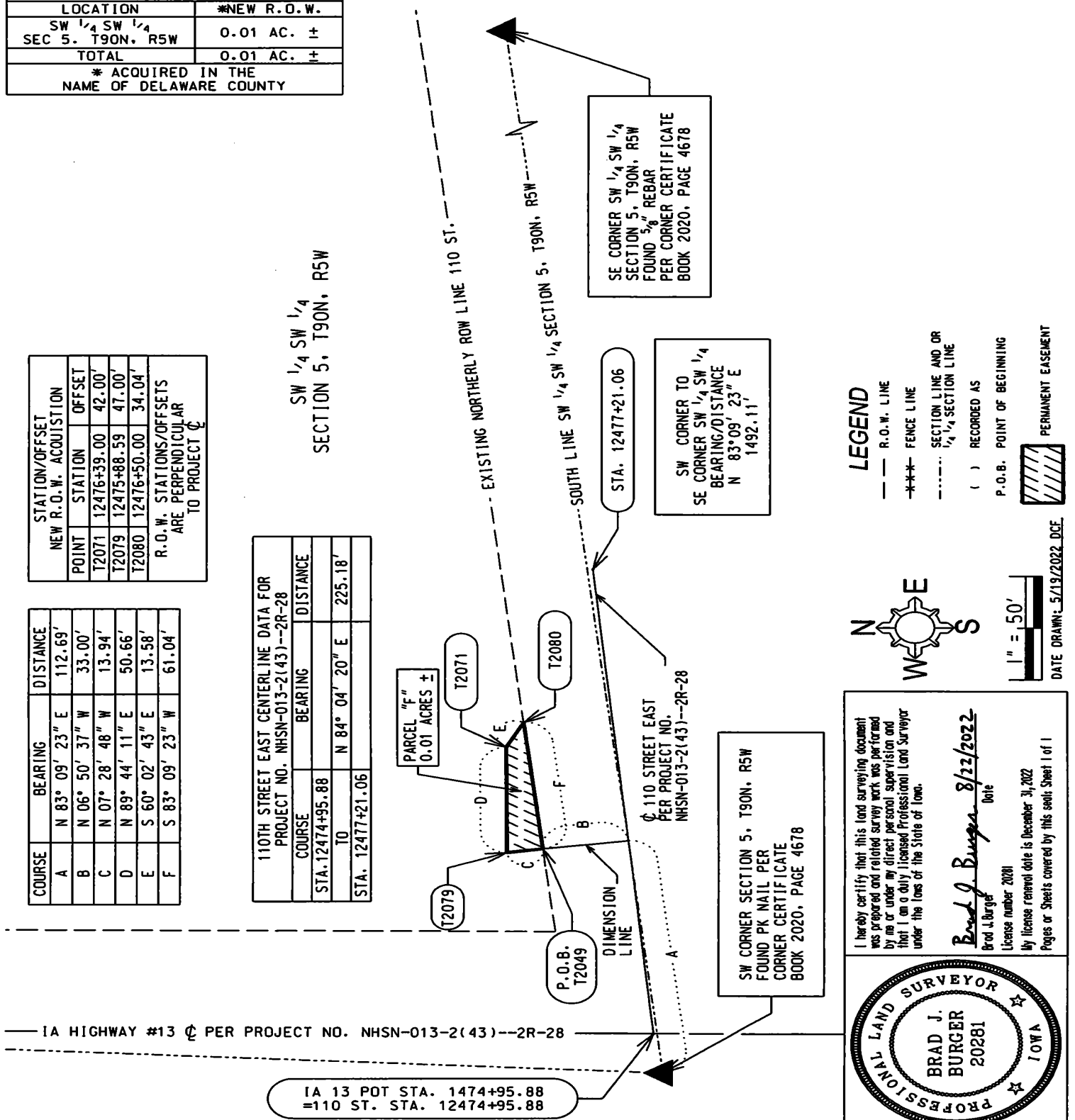
\* ACQUIRED IN THE NAME OF DELAWARE COUNTY

STATION/OFFSET NEW R.O.W. ACQUISITION	POINT	STATION	OFFSET
	T2071	12476+39.00	42.00'
	T2079	12475+88.59	47.00'
	T2080	12476+50.00	34.04'

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

COURSE	BEARING	DISTANCE
A	N 83° 09' 23" E	112.69'
B	N 06° 50' 37" W	33.00'
C	N 07° 28' 48" W	13.94'
D	N 89° 44' 11" E	50.66'
E	S 60° 02' 43" E	13.58'
F	S 83° 09' 23" W	61.04'

COURSE	BEARING	DISTANCE
STA. 12474+95.88 TO STA. 12477+21.06	N 84° 04' 20" E	225.18'



SE CORNER SW 1/4 SW 1/4 SECTION 5, T90N, R5W FOUND 5/8" REBAR PER CORNER CERTIFICATE BOOK 2020, PAGE 4678

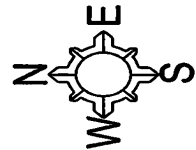
SW CORNER TO SE CORNER SW 1/4 SW 1/4 SECTION 5, T90N, R5W BEARING/DISTANCE N 83°09' 23" E 1492.11'

SW CORNER SECTION 5, T90N, R5W FOUND PK NAIL PER CORNER CERTIFICATE BOOK 2020, PAGE 4678

IA 13 POT STA. 1474+95.88 = 110 ST. STA. 12474+95.88

**LEGEND**

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



1" = 50'  
DATE DRAWN: 5/19/2022\_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 8/22/2022  
 Brad J. Burger Date  
 License number 20281  
 My license renewal date is December 31, 2022  
 Pages or Sheets covered by this sheet 1 of 1

# Iowa Department of Transportation

ACQUISITION PLAT  
EXHIBIT "A-2 OF 4"

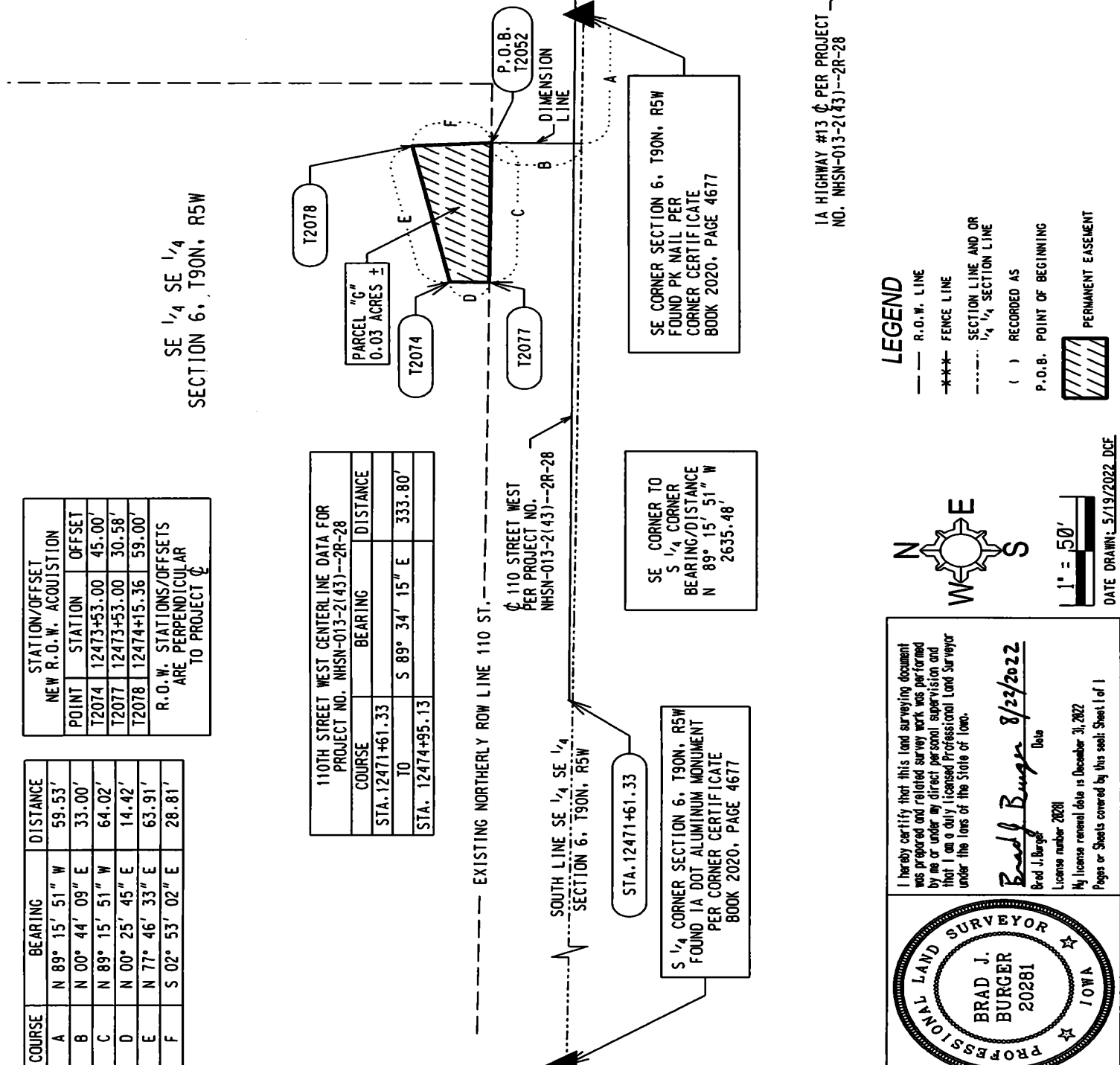


COUNTY DELAWARE STATE CONTROL NO. \_\_\_\_\_  
 ROW PROJECT NO. NHSN-013-2(43)--2R-28 PARCEL NO. 58  
 SECTION 6 TOWNSHIP 90 NORTH RANGE 5 WEST  
 ROW-FEE \_\_\_\_\_ AC ±, EASE \*0.03 AC ±, EXCESS-FEE \_\_\_\_\_ AC ±  
 ACQUIRED FROM JAMES B. ARTHUR 2008 REVOCABLE TRUST

\* ACQUIRED IN THE NAME OF DELAWARE COUNTY

LOCATION	*NEW R.O.W.
SE 1/4 SE 1/4 SEC 6, T90N, R5W	0.03 AC. ±
TOTAL	0.03 AC. ±

\* ACQUIRED IN THE NAME OF DELAWARE COUNTY



STATION/OFFSET NEW R.O.W. ACQUISITION		
POINT	STATION	OFFSET
T2074	12473+53.00	45.00'
T2077	12473+53.00	30.58'
T2078	12474+15.36	59.00'

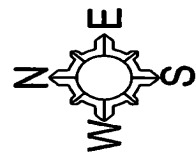
R.O.W. STATIONS/OFFSETS  
ARE PERPENDICULAR  
TO PROJECT  $\phi$

110TH STREET WEST CENTERLINE DATA FOR PROJECT NO. NHSN-013-2(43)--2R-28		
COURSE	BEARING	DISTANCE
STA. 12471+61.33 TO	S 89° 34' 15" E	333.80'
STA. 12474+95.13		

COURSE	BEARING	DISTANCE
A	N 89° 15' 51" W	59.53'
B	N 00° 44' 09" E	33.00'
C	N 89° 15' 51" W	64.02'
D	N 00° 25' 45" E	14.42'
E	N 77° 46' 33" E	63.91'
F	S 02° 53' 02" E	28.81'

### LEGEND

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



1" = 50'  
DATE DRAWN: 5/19/2022 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*  
 Brad J. Burger  
 Iowa  
 License number 20281  
 My license renewal date is December 31, 2022  
 Pages or Sheets covered by this seal: Sheet 1 of 1

8/23/2022

Iowa Department of Transportation

ACQUISITION PLAT  
EXHIBIT "A-3 OF 4"



COUNTY DELAWARE STATE CONTROL NO. \_\_\_\_\_  
 ROW PROJECT NO. NHSN-013-2(43)--2R-28 PARCEL NO. 58  
 SECTION 7 TOWNSHIP 90 NORTH RANGE 5 WEST  
 ROW-FEE \_\_\_\_\_ AC ±, EASE \*0.03 AC ±, EXCESS-FEE \_\_\_\_\_ AC ±  
 ACQUIRED FROM JAMES B. ARTHUR 2008 REVOCABLE TRUST

\* ACQUIRED IN THE NAME OF DELAWARE COUNTY

LOCATION	*NEW R.O.W.
NE 1/4 NE 1/4 SEC 7, T90N, R5W	0.03 AC. ±
TOTAL	0.03 AC. ±

\* ACQUIRED IN THE NAME OF DELAWARE COUNTY

IA 13 POT STA. 1474+95.13  
= 110 ST. STA. 12474+95.13

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

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

P.O.B.  
T2051

PARCEL "H"  
0.03 ACRES ±

T2082

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

T2076

$\phi$  110 STREET WEST  
PER PROJECT NO.  
NHSN-013-2(43)--2R-28

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

EXISTING SOUTHERLY ROW LINE 110 ST.

POINT	STATION	OFFSET
T2076	12473+53.00	35.42'
T2082	12474+23.73	66.00'

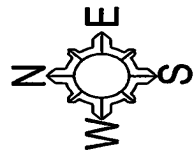
R.O.W. STATIONS/OFFSETS  
ARE PERPENDICULAR  
TO PROJECT  $\phi$

NE CORNER TO  
N 1/4 CORNER  
BEARING/DISTANCE  
N 89° 15' 51" W  
2635.48'

N 1/4 CORNER SECTION 7, T90N, R5W  
FOUND IA DOT ALUMINUM MONUMENT  
PER CORNER CERTIFICATE  
BOOK 2020, PAGE 4680

STA. 12471+61.33

COURSE	BEARING	DISTANCE
STA. 12471+61.33 TO	S 89° 34' 15" E	333.80'
STA. 12474+95.13		



1" = 50'

DATE DRAWN: 5/19/2022\_DCE

COURSE	BEARING	DISTANCE
A	N 89° 15' 51" W	49.94'
B	S 00° 44' 09" W	33.00'
C	S 05° 12' 38" W	30.30'
D	N 66° 11' 15" W	77.06'
E	S 89° 15' 51" E	73.26'

LEGEND

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

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** 8/22/2022  
 License number 20281  
 My license renewal date is December 31, 2022  
 Pages or Sheets covered by this sheet: Sheet 1 of 1

Iowa Department of Transportation

ACQUISITION PLAT  
EXHIBIT "A-4 OF 4"

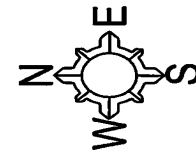
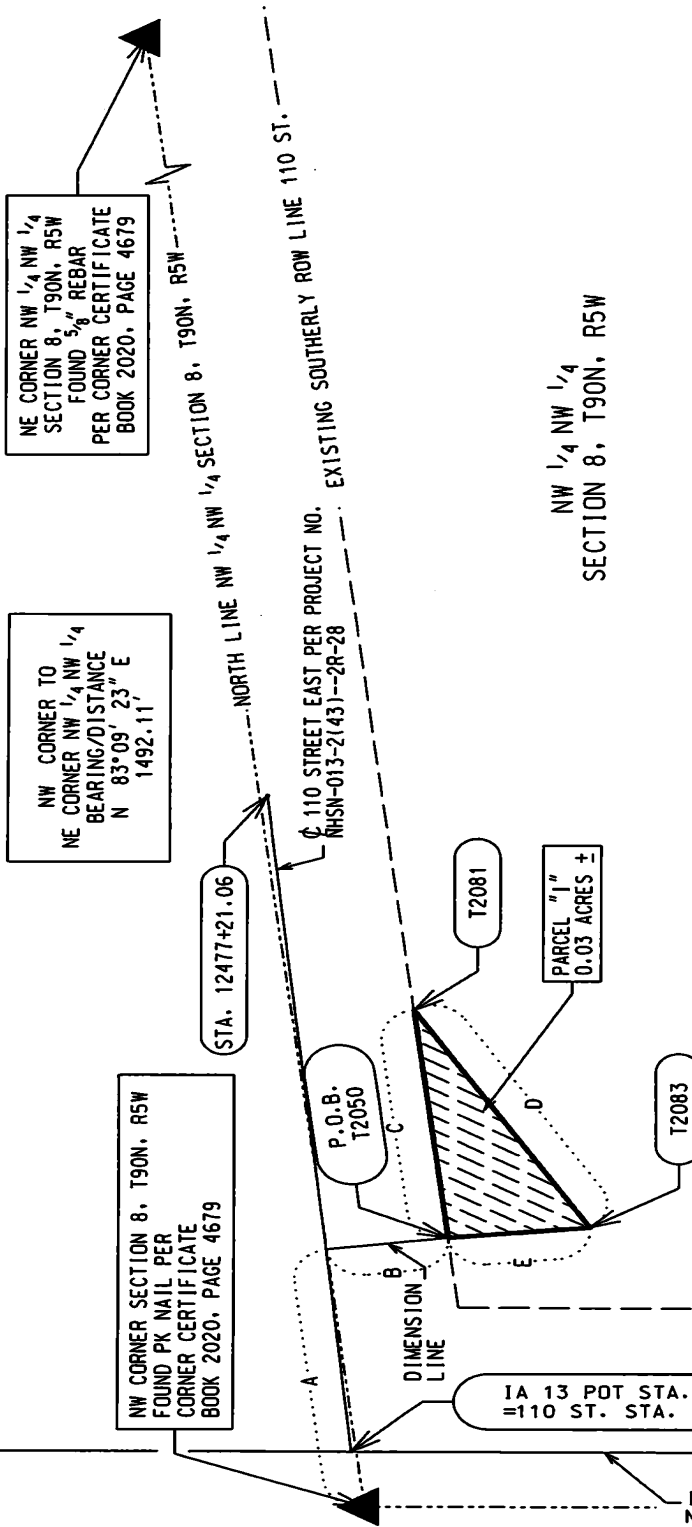


COUNTY DELAWARE STATE CONTROL NO. \_\_\_\_\_  
 ROW PROJECT NO. NHSN-013-2(43)--2R-28 PARCEL NO. 58  
 SECTION 8 TOWNSHIP 90 NORTH RANGE 5 WEST  
 ROW-FEE \_\_\_\_\_ AC ±, EASE \*0.03 AC ±, EXCESS-FEE \_\_\_\_\_ AC ±  
 ACQUIRED FROM JAMES B. ARTHUR 2008 REVOCABLE TRUST

\* ACQUIRED IN THE NAME OF DELAWARE COUNTY

PARCEL 58 ACREAGE SUMMARY TABLE	
LOCATION	*NEW R.O.W.
NW 1/4 NW 1/4 SEC 8, T90N, R5W	0.03 AC. ±
TOTAL	0.03 AC. ±

\* ACQUIRED IN THE NAME OF DELAWARE COUNTY



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* 8/22/2022  
 Date  
 License number 20281  
 My license renewal date is December 31, 2022  
 Pages or Sheets covered by this seal: Sheet 1 of 1

PROFESSIONAL LAND SURVEYOR  
 BRAD J. BURGER  
 20281  
 IOWA