Recorded: 2/27/2024 at 12:22:08.0 PM

County Recording Fee: \$52.00 Iowa E-Filing Fee: \$3.00 Combined Fee: \$55.00 Revenue Tax: \$0.00 Delaware County, Iowa Daneen Schindler RECORDER

BK: 2024 PG: 443



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 ONE HUNDRED TWELVE THOUSAND THIRTY AND NO/I00----(\$\frac{112,030.00}{\text{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 **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, lowa:

THE EASEMENT GRANTED FOR HIGHWAY PURPOSES IS TO LAND DESCRIBED AS FOLLOWS:

Parcel A

A parcel of land located in the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) and the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4), all in Section Five (5), Township Ninety North (T90N), Range Five West (R5W), of the Fifth (5th) P. M., Delaware County, lowa, as shown on the Acquisition Plat Exhibit "A-1 of 5", attached hereto and by reference made a part hereof and more particularly described as follows:

Commencing at the West Quarter (W 1/4) corner of Section Five (5), Township Ninety North (T90N), Range Five West (R5W) of the Fifth (5th) P. M., Delaware County, Iowa; thence North 82° 52' 09" East 60.20 feet along the North line of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of said Section Five (5) to the existing Easterly right of way line of Iowa Highway 13 and the Point of Beginning; thence continuing along the North line of said Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) North 82° 52' 09" East 31.81 feet; thence South 04° 34' 22" West 394.31 feet; thence South 00° 37' 34" West 286.21 feet; thence South 03° 25' 08" West 1068.06 feet; thence South 01° 34' 33" East 507.08 feet; thence South 05° 53' 26" West 303.08 feet; thence South 07° 28' 48" East 82.00 feet to the existing Northerly right of way line of 110th Street; thence South 83° 09' 23" West 40.27 feet along said existing Northerly right of way line of 110th Street to said existing Easterly right of way line of lowa Highway 13; thence North 00° 13' 41" East 388.27 feet along said existing Easterly right of way; thence continuing along said existing Easterly right of way line North 02° 50' 35" East 2250.44 feet to the Point of Beginning, containing 1.84 acres more or less.

Note: The West line of the Southwest Quarter (SW¼) of Section Five (5), Township Ninety North (T90N), Range Five West (R5W), of the Fifth (5th) P. M., Delaware County, Iowa is assumed to bear North 02° 36' 12" East.

And

Parcel B

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 (5th) P. M., Delaware County, Iowa, as shown on the Acquisition Plat Exhibit "A-2 of 5", 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 (5th) P. M., Delaware County, lowa; thence North 02° 36' 12" East 1342.86 feet along the East line and to the Northeast corner of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of said Section 6; thence North 89° 37' 18" West 46.31 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 lowa Highway 13 and the Point of Beginning; thence South 02° 50' 35" West 910.56 feet along said existing Westerly right of way line; thence continuing along said existing Westerly right of way line South 00° 13' 41" West 398.93 feet to the existing Northerly right of way line of 110th Street; thence North 89° 15' 51" West 27.03 feet along said existing Northerly right of way line; thence North 02° 53' 02" West 364.83 feet; thence North 08° 01' 06" East 214.87 feet; thence North 04° 05' 27" East 439.68 feet; thence North 01° 39' 14" East 292.59 feet to the North line of said Southeast Quarter (SE1/4) of the Southeast Quarter (SE½); thence South 89° 37' 18" East 22.36 feet along the North line of said Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) to the Point of Beginning, containing 0.83 acres more or less.

Note: The East 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 (5th) P. M., Delaware County, Iowa is assumed to bear North 02° 36′ 12″ East.

And

Parcel C

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 (5th) P. M., Delaware County, Iowa, as shown on the Acquisition Plat Exhibit "A-3 of 5", 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 (5th) P. M., Delaware County, Iowa; thence South 00° 08' 57" West 1281.00 feet along the East

line and to the Southeast corner of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of said Section Seven (7); thence South 89° 46' 21" West 48.97 feet along the South line of said Northeast Quarter (NE1/4) of the Northeast Quarter (NE¼) to the existing Westerly right of way line of lowa Highway 13 and the Point of Beginning, thence continuing along the South line of said Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) South 89° 46' 21" West 9.05 feet; thence North 01° 37' 39" West 339.53 feet; thence North 02° 16' 50" East 335.21 feet; thence North 04° 14' 45" West 115.35 feet; thence North 00° 11' 10" West 276.01 feet; thence North 05° 12' 38" East 184.25 feet to the existing Southerly right of way line of 110th Street; thence South 89° 15' 51" East 17.28 feet along said existing Southerly right of way line of 110th Street to said existing Westerly right of way line of lowa Highway 13; thence South 00° 08' 57" West 130.67 feet along said existing Westerly right of way line; thence continuing along said existing Westerly right of way line North 89° 50' 38" West 14.43 feet; thence continuing along said existing Westerly right of way line South 00° 13' 41" West 1117.99 feet to the Point of Beginning, containing 0.46 acres more or less.

Note: The East 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 (5th) P. M., Delaware County, Iowa is assumed to bear South 00° 08' 57" West.

And

Parcel D

A parcel of land located in the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) and in the Southwest Quarter (SW¼) of the Northwest Quarter (NW¼), all in Section Eight (8), 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-4 of 5", attached hereto and by reference made a part hereof and more particularly described as follows:

Commencing at the West Quarter (W 1/4) corner of Section Eight (8), Township Ninety North (T90N), Range Five West (R5W) of the Fifth (5th) P. M., Delaware County, lowa; thence North 83° 36' 57" East 64.66 feet along the South line of the Southwest Quarter (SW1/4) of the Northwest Quarter (NW¼) of said Section Eight (8) to the existing Easterly right of way line of lowa Highway 13 and the Point of Beginning; thence North 00° 13' 41" East 2564.89 feet along said existing Easterly right of way line to the existing Southerly right of way line of 110th Street; thence North 83° 09' 23" East 24.15 feet along said existing Southerly right of way line; thence South 05° 10' 33" East 191.10 feet; thence South 01° 00' 58" West 1383.13 feet; thence South 03° 45' 43" East 258.63 feet; thence South 07° 38' 37" West 147.23 feet; thence South 05° 13' 35" East 357.62 feet; thence South 02° 11' 13" West 117.07 feet; thence South 11° 26' 23" West 113.16 feet; thence South 13° 41' 01" East 3.15 feet to the South line of said Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4); thence South 83° 36' 57" West 30.89 feet along the South line of said Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4) to the Point of Beginning, containing 2.04 acres more or less.

Note: The West line of the Northwest Quarter (NW¼) of Section Eight (8), 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 E

A parcel of land located in the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of Section Eight (8), 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-5 of 5", attached hereto and by reference made a part hereof and more particularly described as follows:

Commencing at the West Quarter (W 1/4) corner of Section Eight (8), Township Ninety North (T90N), Range Five West (R5W) of the Fifth (5th) P. M., Delaware County, Iowa; thence North 83° 36' 57" East 64.66 feet along the North line of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of said Section Eight (8) to the existing Easterly right of way line of lowa Highway 13 and the Point of Beginning; thence continuing along the North line of said Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) North 83° 36' 57" East 30.89 feet; thence South 13° 41' 01" East 221.44 feet; thence South 08° 09' 42" West 369.54 feet; thence South 05° 54' 30" East 187.07 feet; thence South 08° 26' 10" West 210.15 feet; thence South 10° 50' 28" East 93.74 feet; thence South 00° 41' 44" West 245.69 feet to the South line of said Northwest Quarter (NW1/4) of the Southwest Quarter (SW%); thence South 85° 58' 19" West 39.01 feet along the South line of said Northwest Quarter (NW%) of the Southwest Quarter (SW%) to said existing Easterly right of way line of lowa Highway 13; thence North 00° 13' 41" East 1311.97 feet along said existing Easterly right of way line to the Point of Beginning, containing 1.43 acres more or less.

Note: The West line of the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of Section Eight (8), Township Ninety North (T90N), Range Five West (R5W) of the Fifth (5th) P. M., Delaware County, lowa is assumed to bear North 00° 06' 56" East.

This easement a	nd a certain Easement to Delaware County, 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 <u>23</u> , at Book <u>2023</u> , Page <u>2979</u> , as Document No.
	_, except for those terms that survive the execution of this document.

The additional amount of $\frac{13,972.00}{}$, 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. lowa 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 <u>October 18</u>, 20<u>7</u>3

JAMES B. ARTHUR 2008 REVOCABLE TRUST

By M S (Sign in Inle James B. Arthur, Trustee

STATE OF Towa COUNTY OF Dallas , ss:



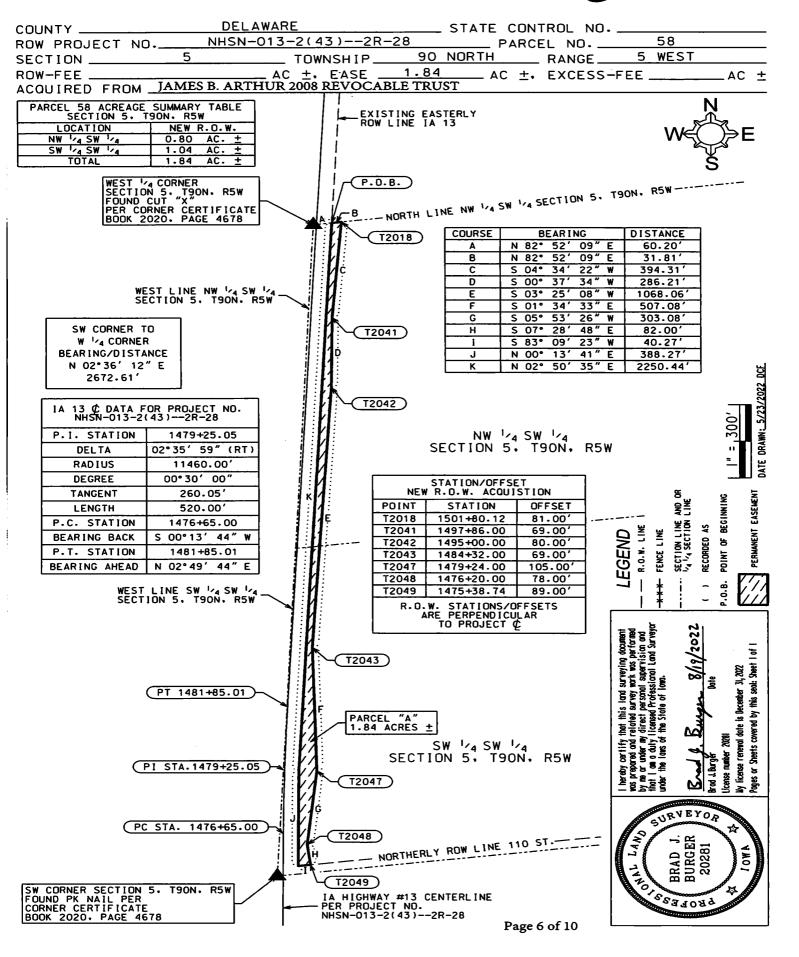
(Sign in In

(AFFIX NOTARIAL SEAL ABOVE \blacktriangle)

CAVEAT: The trustee/grantor should consult with their lawyer concerning the trustee's personal liability arising out of the warranties contained herein.

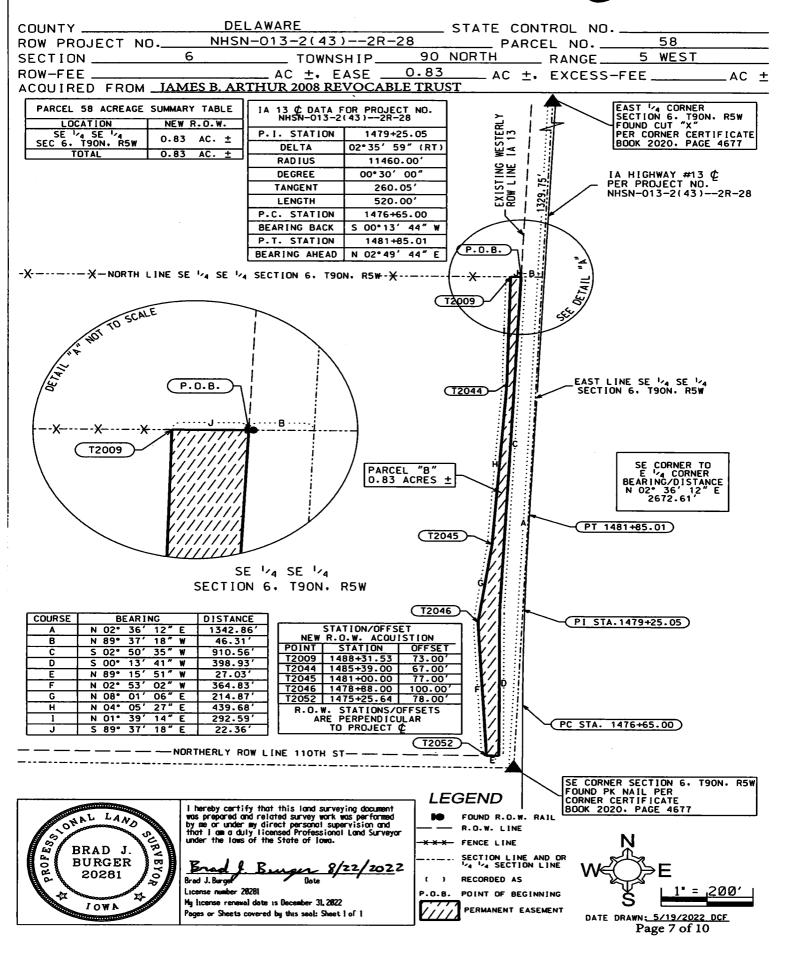
ACQUISITION PLAT EXHIBIT "A-1 OF 5"





ACQUISITION PLAT EXHIBIT "A-2 OF 5"



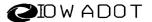


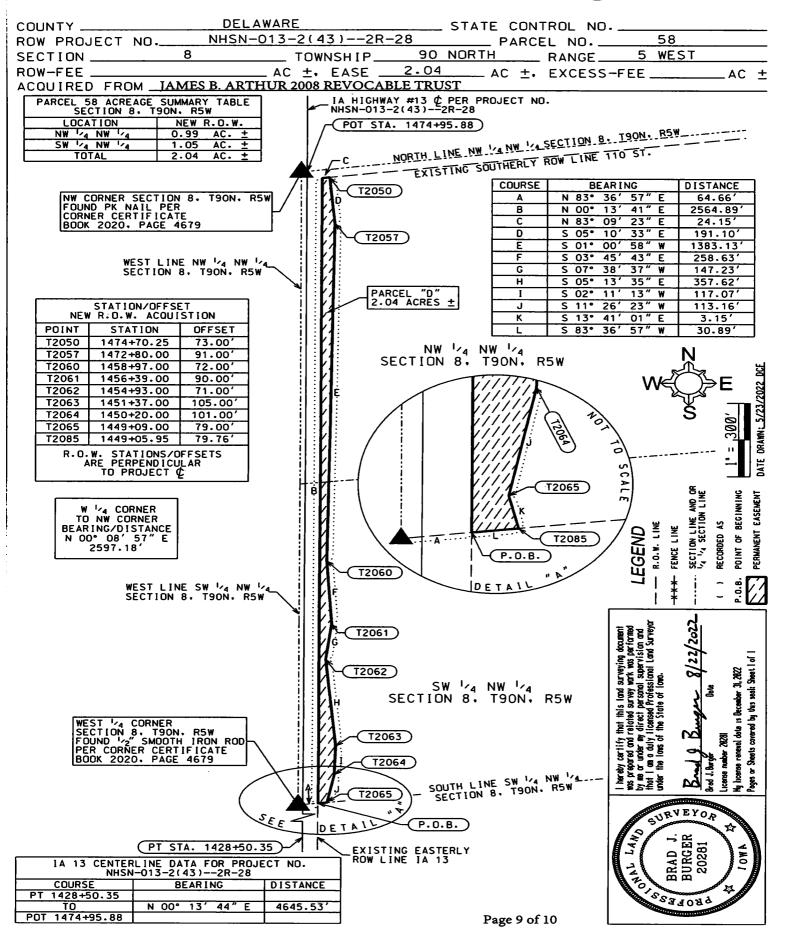
ACQUISITION PLAT EXHIBIT "A-3 OF 5"



COUNTY	DELAWARE		STATE C	ONTROL NO.	
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WAL LAND	was prepared and related survey w by me or under my direct personal	ork was performed		IPER CORNER	CERTIFICATE I
1 B 6 7 B 7 B 10 B	that I am a duly licensed Profess under the laws of the State of Lo	ional Land Surveyor		BOOK 2020.	PAGE 4680
BRAD J. BURGER	GROWN HAW TORKS OF THE STUTE OF TO			IA HIGHWAY #13	CENTERLINE
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1 OW A	My license renewal date is December : Pages or Sheets covered by this sea	•			
				Page 8	of 10

ACQUISITION PLAT EXHIBIT "A-4 OF 5"





ACQUISITION PLAT EXHIBIT "A-5 OF 5"



