Aud. Office

Received for transfer 3rd day of June A.D. 1998
Joann McCaleb, Auditor
By Debra Beeks, Deputy
97-131

98-373S
DELAWARE COUNTY IOWA
FILED
1998 MY 26 AM 11:31
BOOK 8 PAGE 30
DEBORAH L FRYTON
DELAWARE CO RECORDER
N/C

Prepared by: Brian T. Ridenour, Delaware Co. Engineer, P.O. Box 68, Delaware, IA; 319-927-3505

EASEMENT FOR PUBLIC HIGHWAY

Know All Men by These Presents:

That Albin M. Bries, One-half interest
John A. Bries, Trustee and Janet L. Pollock, Trustee

of DELAWARE COUNTY, STATE of IOWA,

in consideration of the sum of Seven hundred thirty four & 56/100---------- DOLLARS in hand paid by Delaware County, do hereby sell and convey unto the County of Delaware, for road purposes and for use as a Public Highway, the following described premises situated in the County of Delaware, State of Iowa, to-wit:

See attached plat, Parcel No. 3, Project L-1275

and I hereby covenant with the said COUNTY OF DELAWARE that I lawfully seized of said premises; that they are free from incumbrance; that I have good and lawful authority to sell and convey the same, and I do hereby covenant to warrant and defend the said premises against the lawful claims of all persons whomsoever, and the said

hereby relinquishes right of dower in and to the premises hereinbefore conveyed.

Signed this 26th day of FEBRUARY A. D. 1998

Albin M. Bries

State of Iowa }
County of Delaware } ss.

On this 26th day of FEBRUARY A.D. 1998, before me Brian T. Ridenour, a Notary Public in and for Delaware County, State of Iowa, personally appeared Albin M. Bries

to me known to be the person who is named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.

BRIAN T. RIDENOUR
My Comm. Exp. 7/2/99

Notary Public in and for said County.
Brian T. Ridenour

DATE 5-26-98 BOOK 8 PAGE 30

County Delaware

Project No. L-1275

EASEMENT
FOR PUBLIC HIGHWAY

Albin M. Bries, et al

TO

Delaware County Iowa

Entered for taxation this 3rd day of June A. D. 1998
Sharon McCrabb
County Auditor
By Carol Becker Deputy
97-131

Filed for Record on the ____ day of ____, A. D. 19____, at ____ o'clock ____ M., and Recorded in Book ____ of ____, on Page ____

Recorder

By ____ Deputy

EASEMENT PRIORITY AGREEMENT

For a good and valid consideration the.....

.....

a corporation, duly incorporated under the laws of the State of....., agrees that the easement for road purposes, and for use as a public highway, granted Delaware County, in and to the premises described in the instrument on the reverse side hereof, shall be superior to the lien of the mortgage recorded in Book....., Page....., of the records in the office of the Recorder of Delaware County, Iowa, at Manchester, Iowa.

Attest: .....

..... By .....

.....

State of.....
County of..... } ss.

On this.....day of....., A. D. 19....., before me,.....
a Notary Public in and for said county, personally appeared.....and
....., to me personally known, who being by me
duly sworn did say that they are the.....and....., respectively,
of the said.....,
a corporation duly organized under the Laws of the State of....., and that the seal affixed to said instrument is the seal of said corporation and that said instrument was signed and sealed on behalf of said corporation by authority of its board of directors; and the said.....
and.....acknowledged the execution of said instrument to be the voluntary act and deed of said corporation by it voluntarily executed.

.....
Notary Public in and for said County.

EASEMENT PRIORITY AGREEMENT

For a good and valid consideration..... agrees that the easement for road purposes, and for use as a public highway granted Delaware County, in and to the premises described in the instrument on the reverse side hereof, shall be superior to the lien of the mortgage recorded in Book....., Page....., of the records in the office of Recorder of Delaware County, at Manchester, Iowa.

.....

.....

State of.....
County of..... } ss.

On this.....day of....., A. D. 19....., before me, a Notary Public, in and for said County, personally appeared.....
to me known to be the person..... who executed the foregoing instrument, and acknowledged that.....
executed the same as.....voluntary act and deed.

.....
Notary Public in and for said County.

Instructions. Use corporate or personal form of waiver and acknowledgment as required.

DELAWARE COUNTY, IOWA
RECORDER
My Comm Exp

STATE OF IOWA

COUNTY OF ~~DELAWARE~~ Dubuque ss:

On this 2nd day of March, 1998, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared John A. Bries to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that the person, as the Co-Trustee, executed the instrument as the voluntary act and deed of the person and of the Trust.

John A. Bries

John A. Bries, Trustee

Janet M. Edgar

Notary Public in and for said County



BOOK 8 PAGE 30

STATE OF ~~IOWA~~ Illinois

ss:

COUNTY OF ~~DELAWARE~~ Winnebago

On this 6th day of March, 1998, before me, the undersigned, a Notary Public in and for the State of ~~Iowa,~~ Illinois personally appeared Janet L. Pollock to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that the person, as the Co-Trustee, executed the instrument as the voluntary act and deed of the person and of the Trust.

Janet L. Pollock

Janet L. Pollock, Trustee

Ellen L. Parlapiano

Notary Public in and for said County

"OFFICIAL SEAL"
ELLEN L. PARLAPIANO
Notary Public, State of Illinois
My Commission Expires 2/1/00

Form **W-9**
(Rev. July 1984)
Department of the Treasury
Internal Revenue Service

Payer's Request for Taxpayer Identification Number and Certification

Give This Form to the Payer, Middleman, Broker, or Barter Exchange

Please print or type

Name as shown on account (If joint account, list first and circle the name of the person or entity whose number you enter in Part I below.)
Albin M. Bries

Address
2130 297th Street

City, State, and ZIP code
Delhi, Iowa 52223

List account number(s) here ▶

Part I **Taxpayer Identification Number—For All Accounts**

Enter your taxpayer identification number in the appropriate box. For most individuals, this is your social security number. If you do not have a number, see *How to Obtain a TIN.*

Note: *If the account is in more than one name, see the chart on page 2 for guidelines on which number to give the payer.*

Social security number [redacted]

OR

Employer identification number

Part II **For Payees Exempt From Backup Withholding (See Instructions)**

Certification.—Under penalties of perjury, I certify that:

(1) The number shown on this form is my correct Taxpayer Identification Number (or I am waiting for a number to be issued to me), **and**

(2) I am not subject to backup withholding either because I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or the IRS has notified me that I am no longer subject to backup withholding.

Certification Instructions.—You must cross out item (2) above if you have been notified by IRS that you are subject to backup withholding because of underreporting interest or dividends on your tax return. However, if after being notified by IRS that you were subject to backup withholding you received another notification from IRS that you are no longer subject to backup withholding, do not cross out item (2). (Also see *Certification* under *Specific Instructions*.)

Please Sign Here Signature ▶ Albin M Bries Date ▶ 2/26/98

Instructions

(Section references are to the Internal Revenue Code.)

Purpose of Form

Complete this form and give it to the payer of interest, dividends, and certain other payments (including broker and barter exchange transactions) so that you will not be subject to the 20% backup withholding that became effective January 1, 1984.

Use this form to report and certify your taxpayer identification number (TIN) to the payer, to certify that you are not subject to backup withholding because of underreporting interest and dividends on your tax return, and to claim exemption from backup withholding if you are an exempt payee.

If you do not complete this form properly and return it to the payer, the payer may be required to withhold 20% of payments made to you.

Note: *If a payer gives you a form other than a W-9 to request your TIN, you must use the payer's form.*

What Is Backup Withholding

The Interest and Dividend Tax Compliance Act of 1983 requires payers to withhold and pay to IRS 20% of payments of interest, dividends, and certain other payments under certain conditions. This is called "backup withholding." If you give the payer your correct TIN, certify your TIN when required, and report all your taxable interest and dividends on your tax return, your payments will not be subject to backup withholding.

Payments you receive will be subject to backup withholding if:

(1) You do not furnish your TIN to the payer, or

(2) IRS notifies the payer that you furnished an incorrect TIN, or

(3) You are notified by IRS that you are subject to backup withholding because you failed to report all your interest and dividends on your tax return (for interest and dividend accounts only), or

(4) You fail to certify to the payer that you are not subject to backup withholding under (3) above (for interest and dividend accounts opened after 1983 only), or

(5) You fail to certify your TIN. This applies only to interest, dividend, broker, or barter exchange accounts opened after 1983, or broker accounts considered inactive in 1983.

For other payments, you are subject to backup withholding only if (1) or (2) above applies.

Certain payees and payments are exempt from backup withholding and information reporting. See *Payees and Payments Exempt from Backup Withholding*, on this page, and *Exempt Payees and Payments* under *Specific Instructions*, on page 2, if you are an exempt payee.

How to Obtain a TIN

If you do not have a TIN, you should apply for one immediately. To apply for the number obtain **Form SS-5,** Application for a Social Security Number Card (for individuals), or **Form SS-4,** Application for Employer Identification Number (for businesses and all other entities), at your local office of the Social Security Administration or the Internal Revenue Service. Complete and file the appropriate form according to its instructions.

If you do not have a TIN, write "Applied For" in the space for the TIN in Part I, sign and date the form, and give it to the payer. You will then have 60 days to obtain a TIN and furnish it to the payer. During the 60-day period, the payments you receive will not be subject to the 20% backup withholding. However, if the payer does not receive your TIN from you within 60 days, backup withholding will begin and continue until you furnish your TIN to the payer.

Note: *Writing "Applied For" on the form means that you have already applied for a TIN, OR that you intend to apply for one in the near future.*

As soon as you receive your TIN, complete another Form W-9, include your new TIN, sign and date the form, and give it to the payer.

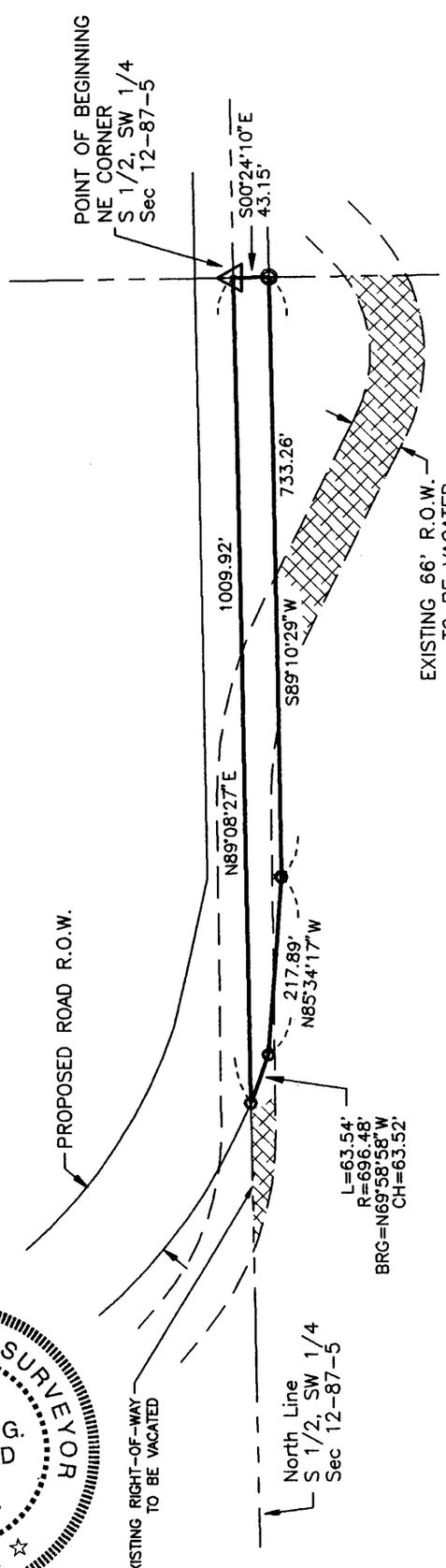
Payees and Payments Exempt from Backup Withholding

The following lists payees that are exempt from backup withholding and information reporting. For interest and dividends, all listed payees are exempt. For broker transactions, payees listed in (1) through (13), and a person registered under the Investment Advisers Act of 1940 who regularly acts as a broker are exempt. Payments subject to reporting under sections 6041 and 6041A are generally exempt from backup withholding only if paid to payees described in items (1) through (6), except that a corporation that provides medical and health care services or bills and collects payments for such services is not exempt from backup withholding or information reporting. Only payees described in items (2) through (6) are exempt from backup withholding for barter exchange transactions, patronage dividends, and payments by certain fishing boat operators.

BOOK 8 PAGE 30

LAWRENCE G. CRAWFORD P.E. L.S. CRAWFORD ENGINEERING & SURVEYING, INC., INDEPENDENCE, IOWA (319)334-7077

ACQUISITION PLAT for PARCEL No.3 in the South 1/2 of the SW 1/4 Section 12, Twp. 87 North, Range 5 West of the 5th P.M. DELAWARE COUNTY, IOWA



North

200' 100' 0 200'

SCALE: 1 inch = 200 feet

PERMANENT EASEMENT AREA

AREA	NW 1/4, SE 1/4
TOTAL	0.9018 acres
EXISTING	0.4427 acres
NET ACQUIRED	0.4591 acres

LEGEND

- △ LAND CORNER MONUMENT SET (Set 1/2" Rebar & Cap #11572)
- ○ R.O.W. MONUMENT SET (Set 1/2" Rebar & Cap #11572)
- — — — 1/4 SECTION LINE
- — - — - — 1/4-1/4 SEC LINE
- — — — — EXISTING ROAD R.O.W.
- ——— PERMANENT EASEMENT BOUNDARY

DATE OF SURVEY : 2/26/97

REGISTERED LAND SURVEYOR
LAWRENCE G. CRAWFORD
11572
IOWA

PROPRIETOR:
ALBIN M. BRIES
PROJECT No. L-1275
DELAWARE COUNTY SECONDARY ROAD DEPT.

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 LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

LICENSE RENEWAL DATE: 12/31/98 LICENSE NO. 11572

Lawrence G. Crawford 3-28-97
LAWRENCE G. CRAWFORD P.E. & L.S. DATE

CRAWFORD ENGINEERING & SURVEYING, INC.
205 SECOND AVENUE N.E.
P.O. BOX 793, INDEPENDENCE, IOWA 50644
Phone (319) 334-7077

PROJECT NO. 96266 FLD.BK.NO. _____ PAGE_____

Delaware County
Project No. L-1275
Parcel No. 3
Albin M. Bries

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

Description:

Parcel No. 3 in the South 1/2 of the Southwest Quarter of Section 12, Township 87 North, Range 5 West of the 5th Principal Meridian, Delaware County, Iowa, described as follows:

Beginning at the northeast corner of the south 1/2 of the southwest quarter of Section 12; thence S 00°24'10" E, along the east line of the southwest quarter, 43.15 feet; thence S 89°10'29"W, 733.26 feet; thence N 85°34'17" W, 217.89 feet; thence northwesterly 63.54 feet along a 696.48 feet radius curve concave northeasterly (chord bearing = N 69°58'58" W, chord length = 63.52 feet) to the north line of the south 1/2 of the southwest quarter; thence N 89°08'27" E, along said north line, 1,009.92 feet to the Point of Beginning.

Parcel No. 3 contains 0.9018 acres, including 0.4427 acres of existing public road right-of-way.

SURVEYOR'S CERTIFICATE

I, Lawrence G. Crawford, duly licensed under the laws of the State of Iowa, do hereby certify that the above Description and attached Acquisition Plat are correct, and were made by me at the request of the Delaware County Secondary Road Department.

Signed: Lawrence G. Crawford
Lawrence G. Crawford, R.L.S.
Iowa License #11572

Subscribed and sworn to before me by Lawrence G. Crawford this 28th day of March, 1997.

Debora L. Weis
Notary Public in and for the State of Iowa

REGISTERED LAND SURVEYOR
LAWRENCE G. CRAWFORD
11572
IOWA

DEBORA L. WEIS
MY COMMISSION EXPIRES
2-22-2000