Auditor Office

Received for taxation 3rd day of June A.D. 1998
Steven McCrabb, Auditor
By Carolyn Cook Deputy

98-146

98-3786
DELAWARE COUNTY IOWA
FILED
1998 MY 26 AM 11:32

BOOK 8 PAGE 31
DEBORAH L. PEYTON
DELAWARE CO. RECORDER
NC

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 Herbert N. and Margaret M. Miller

of DELAWARE COUNTY, STATE of IOWA,

in consideration of the sum of Five hundred thirty one **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 acquisition plat

Project #BROS-28(33)--5F-28

and we **hereby covenant with the said COUNTY OF DELAWARE that** we **lawfully seized of said premises; that they are free from incumbrance; that** we **have good and lawful authority to sell and convey the same, and** we **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 18TH **day of** MARCH **A. D. 19**98

Herbert N. Miller

Margaret M. Miller

State of Iowa
County of Delaware } **ss.**

On this 18 **day of** MARCH **A. D. 19**98**, before me** Brian T. Ridenour**, a Notary Public in and for** Delaware **County, State of** Iowa**, personally appeared** Herbert N. and Margaret M. Miller

to me known to be the persons who are **named in and who executed the foregoing instrument, and acknowledged that** they **executed the same as** their **voluntary act and deed.**

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

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

DATE 5-26-98 BOOK 8 PAGE 31

County Delaware

Project No. Bros-28(33)SF-28

EASEMENT
FOR PUBLIC HIGHWAY

Herbert W. & Margaret M. Miller

TO

Delaware County, Iowa

Entered for taxation this 3rd day of June A. D. 1998
Sharon McCrabb County Auditor
By Carla Backes Deputy
98-146

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.

MOHN SURVEYING • ROGER R. MOHN • 1888 GREAT RIVER ROAD • LANSING, IOWA 52151 • 319-538-4067

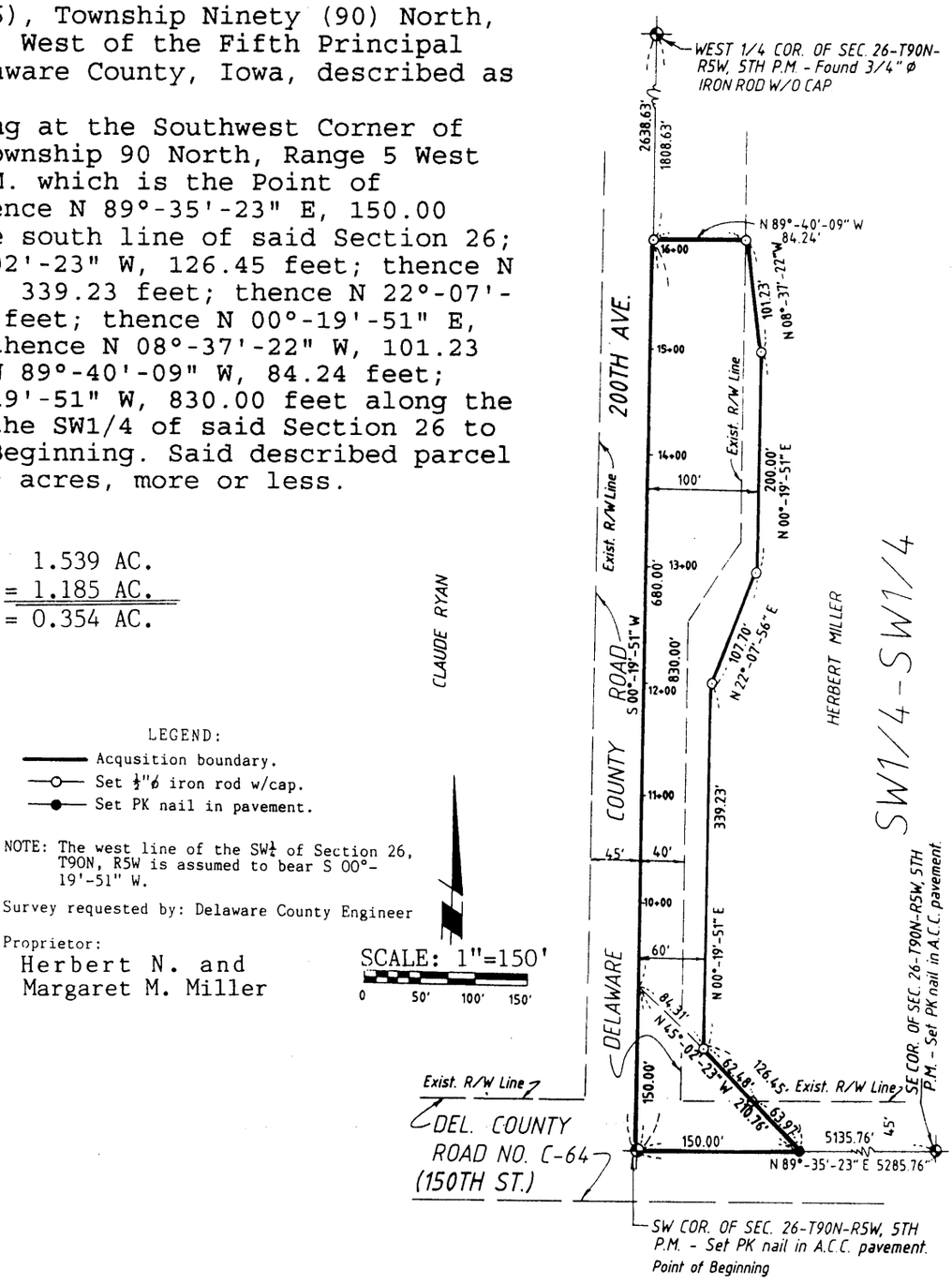
ACQUISITION PLAT
PROJ. NO. BROS-28(33)--5F-28
HERBERT N. AND MARGARET M. MILLER

LEGAL DESCRIPTION:

Part of the Southwest Quarter of the Southwest Quarter (SW1/4-SW1/4) of Section Twenty-six (26), Township Ninety (90) North, Range Five (5) West of the Fifth Principal Meridian, Delaware County, Iowa, described as follows:

Commencing at the Southwest Corner of Section 26, Township 90 North, Range 5 West of the 5th P.M. which is the Point of Beginning; thence N 89°-35'-23" E, 150.00 feet along the south line of said Section 26; thence N 45°-02'-23" W, 126.45 feet; thence N 00°-19'-51" E, 339.23 feet; thence N 22°-07'-56" E, 107.70 feet; thence N 00°-19'-51" E, 200.00 feet; thence N 08°-37'-22" W, 101.23 feet; thence N 89°-40'-09" W, 84.24 feet; thence S 00°-19'-51" W, 830.00 feet along the west line of the SW1/4 of said Section 26 to the Point of Beginning. Said described parcel contains 1.539 acres, more or less.

TOTAL ACRES = 1.539 AC.
EXISTING ACRES = 1.185 AC.
NET ACRES = 0.354 AC.



LEGEND:
- Acqusition boundary.
- Set ½"ø iron rod w/cap.
- Set PK nail in pavement.

NOTE: The west line of the SW¼ of Section 26, T90N, R5W is assumed to bear S 00°-19'-51" W.

Survey requested by: Delaware County Engineer

Proprietor:
Herbert N. and
Margaret M. Miller

SCALE: 1"=150'
0 50' 100' 150'

LICENSED LAND SURVEYOR
ROGER R. MOHN 10165
★ IOWA ★

I hereby certify that this land surveying document was prepared and the 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.

Roger R. Mohn March 27, 1998
Roger R. Mohn *Date*
License Number 10165
My license renewal date is December 31, 1998
Pages or sheets covered by this seal:
This sheet only.

Surveyed: Feb. - Mar., 1998

Sheet No. 1 of 1

BOOK 8 PAGE 31

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.)
Herbert N. Miller

Address
104 Huggins Court

City, State, and ZIP code
Manchester, Iow a 52057

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 ▶ Herbert N. Miller Date ▶ 3/18/98

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.